





March 12, 1998

Mr. Alan Skinner  
Agrium Conda Phosphate Operations  
3010 Conda Road  
Soda Springs, Idaho 83276

RE: Rebuilding Tailings Pond No.3 into a gypsum pond, ENGINEERING REPORT  
APPROVAL

Dear Mr. Skinner:

This letter will document our telephone conversation of March 12, 1998. The engineering report (response to my letter to you dated May 21, 1997) prepared by Ed Mora of BCI answers our concerns and is approved.

We still would like to see monitoring wells drilled and monitored, whether related to this project or just as good practice. A facility as extensive and complex as Agrium Conda Phosphate Operations can have impact on the ground water. Monitoring might point out changes that could be made to reduce the impact.

Please keep us informed of new information regarding the conversion of Pond #3 to a gyp stack as it becomes available and submit detailed plans and specifications for the work to be done before construction begins.

Thank you for your helpful, positive attitude. If you have questions or if we can be of help to you, please call me at 208-236-6160.

Sincerely,

Elmer W. (Bill) Smith, P.E.  
Senior Water Quality Engineer

cc. Mark Lowe, IDEQ, Poc.

\* GEO-TECH REPORT AND DESIGN BASIS - TAILINGS Pond #3 MODIFICATION - BCI



IDAHO DEPARTMENT  
OF HEALTH AND WELFARE

DIVISION OF  
ENVIRONMENTAL QUALITY

224 South Arthur, Pocatello, ID 83204-3202, (208) 236-6160

Philip E. Batt, Governor

November 13, 1998

Mr. Alan E. Skinner, P.E.  
Agrium US, Inc.  
3010 Conda Road  
Soda Springs, Idaho 83276

RE: Tailings Pond No. 3 expansion, DEQ-1991, PLAN APPROVAL  
Location: Sec. 9, T.8 S., R.42 E., Caribou County, Idaho

Dear Mr. Skinner:

The plans and specifications for the referenced tailings pond modification for gypsum storage appear to meet the State of Idaho standards and are approved. Our approval is for design only; final system approval is given after it is established that the system is operating properly. Also, this approval does not in any way imply approval by Idaho Department of Water Resources. You MUST HAVE THEIR APPROVAL BEFORE YOU BEGIN CONSTRUCTION.

No approved copies of the plans will be sent to your engineer with his copy of this letter.

Deviations from the approved plans that might result in violations of Idaho Regulations, must be reviewed by this office prior to field installation.

This approval will expire December 1, 1999. If construction is not complete by the expiration date, plans will need to be resubmitted for approval before further construction proceeds.

Construction must be done under the supervision of an Idaho registered professional engineer. Within thirty (30) days after construction, this engineer must provide this office with as-built plans, or a letter of certification stating that the project was installed substantially according to the approved plans.

Mr. Alan Skinner  
Tailings Pond No. 3 expansion for gypsum storage  
November 13, 1998  
Page 2

If you have any questions, please do not hesitate to contact this office (236-6160).

Sincerely,



Elmer W. (Bill) Smith, P.E.  
Senior Water Quality Engineer

cc: Lee Smith, IDEQ, Poc.  
ED Mora Jr., BCI Engineers & Scientists, Lakeland, Florida

P.O. Box 5467  
Lakeland, FL 33807-5467

(863) 667-2345  
FAX: (863) 667-2662

RECEIVED

JUL 26 2001

July 23, 2001  
BCI Project. No. 01-10211.3

DEPARTMENT OF  
ENVIRONMENTAL QUALITY  
BOZEMAN

Mr. Dennis Dunn  
Idaho Department of Water Resources  
Water Management Division - Eastern Region  
900 North Skyline Drive  
Idaho Falls, Idaho 83402-6105

FILE:  
PROGRAM GROUND WATER  
COUNTY CARIBOU  
SUBJECT AGRIUM - CONDA  
G.W. INVESTIGATION

Re: Application for Drilling Permit  
Monitor Well A-9A  
Agrium U.S., Inc. - Conda Phosphate Operations  
Soda Springs, Idaho

Dear Mr. Dunn:

Attached please find a completed Application for Drilling Permit for installation of one (1) ground water monitor well at Agrium U.S., Inc.'s (Agrium's) Conda Phosphate Operations in Soda Springs, Idaho. As we discussed during our telephone conversation on July 20, 2001, the new monitor well (A-9A) is being installed to replace an existing well (AGRGWP-9) that has gone dry due to falling water levels. Enclosed with the permit application are a schematic drawing of the proposed well construction (**Figure 1**), and a map showing the proposed location of the new well (**Figure 2**).

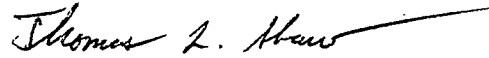
We have contracted with Nelson Drilling, Inc., located in Soda Springs, Idaho, to install the new monitor well under our supervision. The dry well will be properly abandoned by filling the well casing to ground surface with a slurry mixture of high solids bentonite and/or cement grout, using the tremie method. As per your suggestion during our telephone conversation, I have obtained a Drilling Permit ID Tag Number (D21038) from Nelson Drilling, to cover the costs associated with the permit fee.

We anticipate initiating installation of the well on August 4, 2001, and expect to complete the installation on the following day. If you have any questions, you may contact me at my office until the close of business on July 27<sup>th</sup>. If you need to contact me after that time, please call me on my cellular phone at (863) 640-9438, as I will be mobilizing to the Agrium facility on July 30<sup>th</sup>.

Following your review and approval, please forward a copy of the approved permit application to Mr. Ray Nelson at Nelson Drilling. We appreciate your assistance, and will keep you informed if any scheduling changes are necessary.

Sincerely,

**BCI Engineers and Scientists**



Thomas L. Shaw  
Staff Geologist



Wayne A. Ericson, P.E.  
Executive Vice President

Attachments

cc: Mr. Alan E. Skinner – Agrium U.S, Inc., Soda Springs, ID  
Mr. Thomas W. Mullican– Idaho Department of Environmental Quality, Pocatello, ID  
Mr. Mike Kelley, - BCI

State of Idaho  
 Department of Water Resources

**APPLICATION FOR DRILLING PERMIT**  
**(FOR THE CONSTRUCTION OF A WELL)**

1. Owner (please print): Agrium U.S., Inc. - Conda Phosphate Operations
2. Mailing Address: 3010 Conda Road  
 City: Soda Springs State: ID Zip Code: 83276 Telephone (208) 547-4381
3. Proposed Well Location: Twp. 8S, Rge. 42E, Sec. 9, SW 1/4 SE 1/4 SW 1/4  
 Gov't Lot No. N/A County Caribou Lat. 42° : 41' : \_\_\_\_\_ Long. 111° : 32' : \_\_\_\_\_  
 Street Address of Well Site 3010 Conda Road City Soda Springs  
Give at least name of road + Distance to Road or Landmark  
 Lot, block and subdivision N/A

**4. Proposed Use of Well:**

- ☐ DOMESTIC: The use of water for homes, organization camps, public campgrounds, livestock (1,000 head or less) and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

NON-DOMESTIC: ☐ Irrigation ☐ Municipal ☐ Industrial  
☐ Stock ☐ Test ☐ Other \_\_\_\_\_  
 (Over 1,000 Head) (Describe)

☐ INJECTION

- ☒ MONITORING: A well bore schematic and map is required for each blanket permit.  
 No. of proposed wells: 1

**5. Well Construction Information:**

- A. ☐ New well ☐ Modify ☒ Replace
- B. Proposed Casing Diameter 2-inches Proposed Maximum Depth 150 feet
- C. Anticipated bottom hole temperature:  
☒ 85°F or less ☐ 85°F to 212°F ☐ 212° F. or more  
 (Cold Water Well) (Low Temp. Geo. Well) (Geothermal Well)

6. Construction Start Date: August 4, 2001

7. Anticipated Well Driller: Ray Nelson, Nelson Drilling, Inc. Driller's Lic. No. 215  
 NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's Signature: Thomas L. Shaw Date July 23, 2001

Address (if different than owner): P. O. Box 5467

City: Lakeland State: FL Zip Code: 33807 Telephone 863-667-2345 x272

Title: Staff Geologist, BCI Engineers & Scientists, Inc.  
 (Owner, Firm Representative, Other)

## ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is \_\_\_\_\_ Date \_\_\_\_\_

If approved, this permit authorizes the construction or modification of a well subject to the following conditions. READ CAREFULLY

### GENERAL CONDITIONS:

1. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
2. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well. All wells must be drilled a minimum distance of 100 feet from a drain field. Domestic and Public Water Supply wells must be drilled a minimum of 50 feet and 100 feet respectively from a septic tank.
3. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
4. Approval of this drilling permit does not authorize trespass on the land of another party.
5. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
6. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
7. If a bottom hole temperature of 85° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
8. Idaho Code, § 55-2201 - 55-2210 requires the applicant and/or his contractors to contact "Digline" (DigLine is a one-call center for utility notification) not less than 2 working days prior to the start of any excavation for this project. The "DigLine" Number for your area is 1-800-342-1585.

### SPECIFIC CONDITIONS:

\_\_\_\_\_  
Signature of Authorized Department Representative

\_\_\_\_\_  
Title

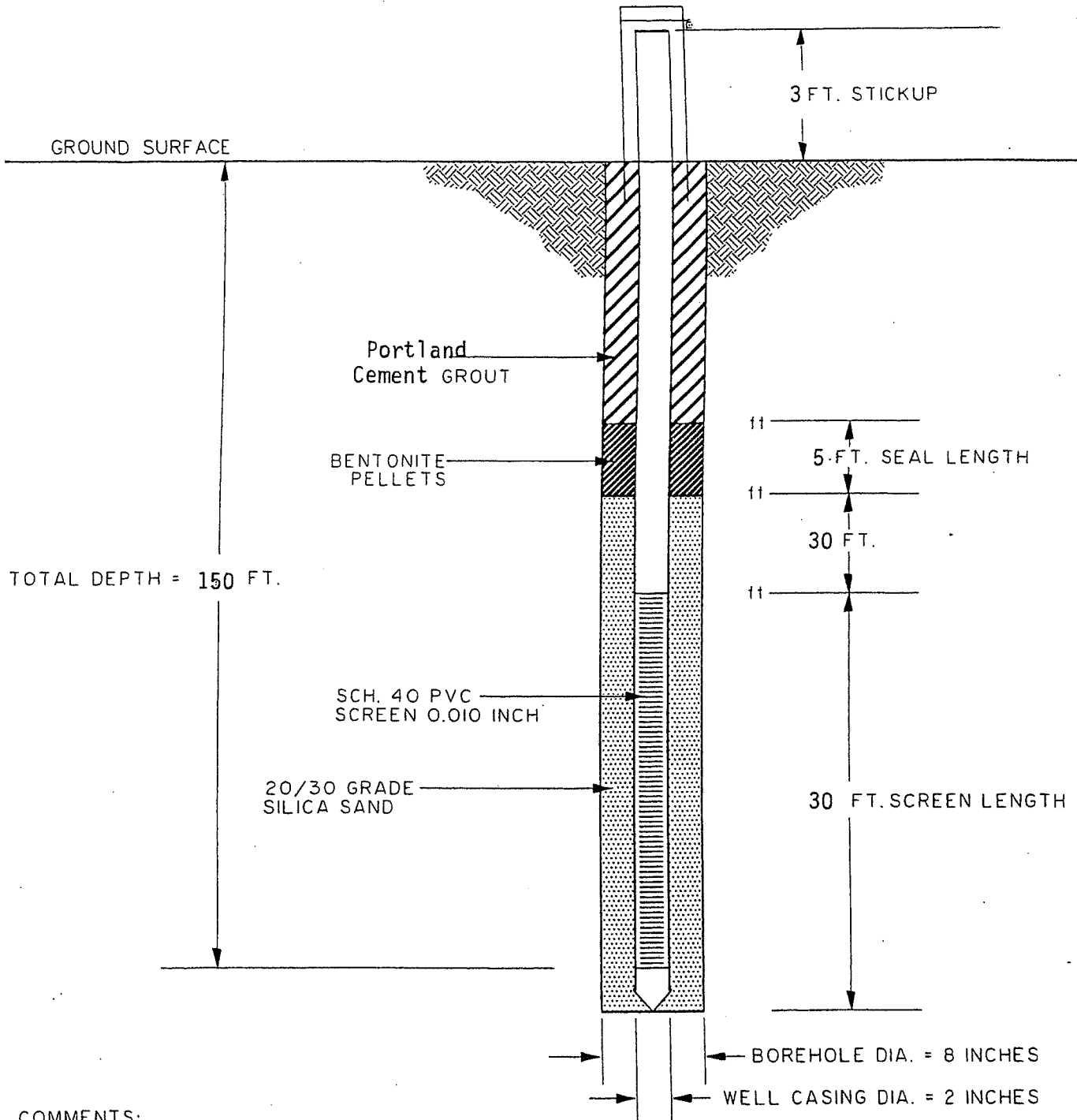
Receipt No. \_\_\_\_\_ Received by \_\_\_\_\_ Fee \_\_\_\_\_ Date \_\_\_\_\_

### EXTENSION OF DRILLING PERMIT

Extension approved by \_\_\_\_\_ Approval Date \_\_\_\_\_

This extension expires: \_\_\_\_\_

WELL I.D. : A-9A



COMMENTS:

**BCI**

ENGINEERS & SCIENTISTS, INC.

2000 E. EDGEWOOD DRIVE, LAKELAND, FL 33803

PHONE: (941) 667-2345

**AGRIUM U.S., INC.**

**FIGURE 1**

**PROPOSED MONITOR WELL COMPLETION**

**AGRIUM CPO, SODA SPRINGS, IDAHO**

DATE:

REVISED:

DRAWN BY: BJN

SCALE: NTS

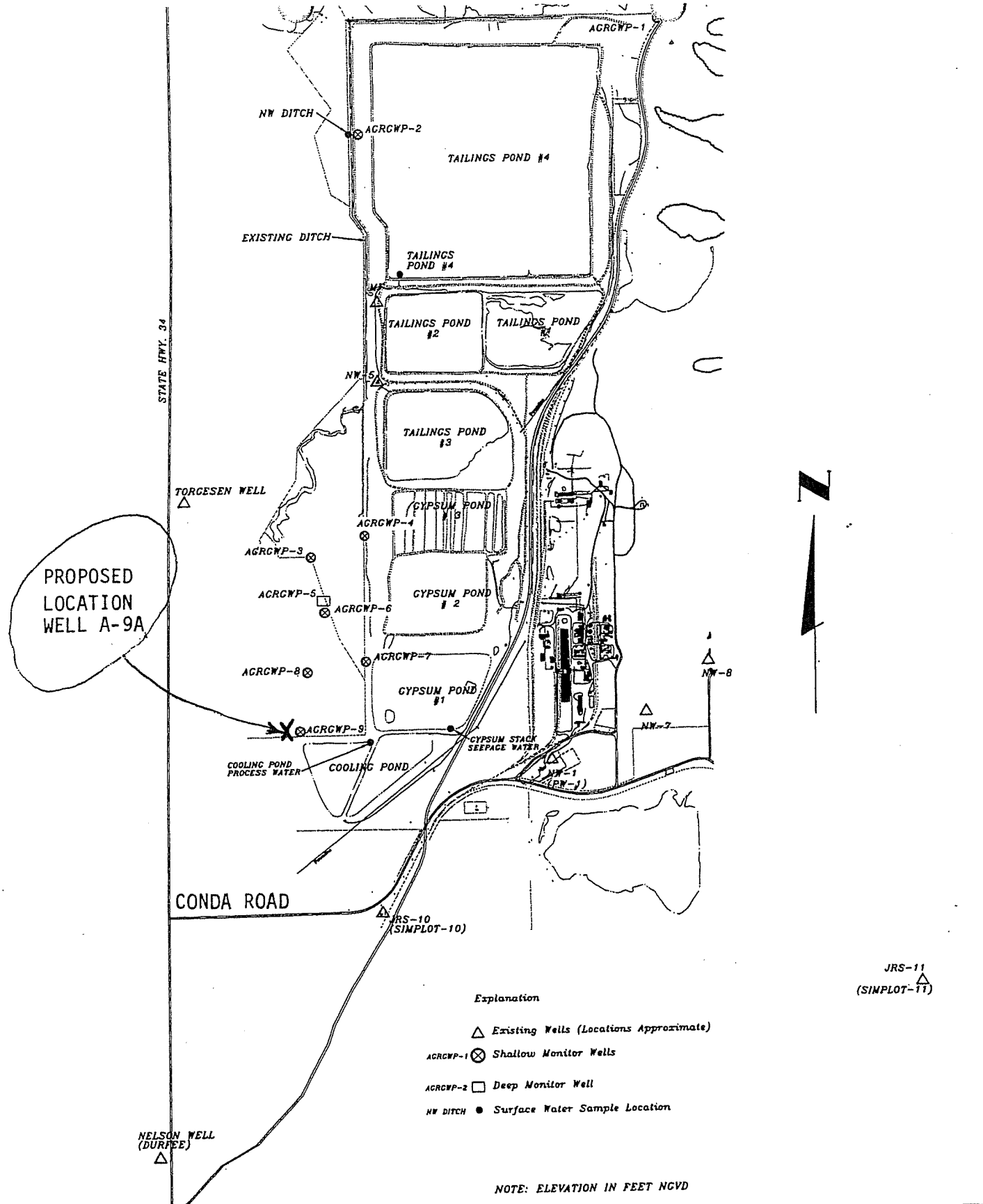
PROJECT NO.: 9910211

BCI FILE: N:\9910211\9910211 MONITOR-WELL.DWG

NUW 004278

PLOT DATE:

BCI FILE: P:\mining\10110211\10110211-1-FIG4.DWG



**BCI**  
**ENGINEERS & SCIENTISTS, INC.**  
 2000 E. EDGEWOOD DRIVE, LAKELAND, FL 33803  
 PHONE: (941) 667-2345

**AGRIUM U.S., INC.**  
**FIGURE 2**  
**SURFACE AND GROUND WATER**  
**SAMPLING LOCATIONS**  
**AGRIUM CPO, SODA SPRINGS IDAHO**

DATE: 1-26-01	REVISED:	DRAWN BY: BJN	SCALE: 1" = 2000'	PROJECT NO.: 10211
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NUW 004279

**From:** Monty Johnson  
**To:** All Conda  
**Date:** 8/16/2001 12:07 PM  
**Subject:** Use of #9 Well  
**Attachments:** High nitrates #9 WellUpdate.doc

**Supervisors please post this email message and attachment.**

After a conversation today with the Department of Environmental Quality, I would like to clarify our understanding and agreement on use of the #9 well in our water system:

Pending review of water quality testing results, well plans, and a comprehensive information package requested by DEQ, we have temporary approval to use #9 well in our water system at least until October 15.

Our process water loop is normally supplied by the Mountain Fuel well and also serves as our potable water system. Please be advised that test results from #9 well water have shown high levels of nitrates. All distribution points (i.e. sinks, showers and eyewashes) were previously posted with a notice to users concerning high nitrates. The notice is still in effect (see attachment).

If anyone has questions concerning plant water, please feel free to call me at ext 263.

Thanks. MJ

AGRIUM – CPO  
WATER RIGHTS  
SEPTEMBER 4, 2001

**Water Right 27-2136 NOW 11-2187**

#9 Well (replacement for #1 Well)

Priority – 9-15-1964

Permitted Flow – 2.20 cfs or 987 gpm 1/1 to 12/31

**Water Right 27-2145 NOW 11-2188**

#7 Well (transferred from #4 Well)

Priority 9-27-1965

Permitted Flow – 1.34 cfs or 601 gpm 1/1 to 12/31

**Water Right 27-7038 NOW 11-7429**

#8 Well (transferred from #6 Well)

Priority 3-18-1974

Permitted Flow – 3.34 cfs or 1500 gpm 1/1 to 12/31

**Water Right 27-2156 NOW 11-7546**

Mountain Fuel Well (being replaced with #10 Well)

Priority 6-9-1967

Permitted Flow – 6.68 cfs or 2998 gpm (instantaneous flow) and a beneficial use of 3380 acre ft per season (this translates to 2098 gpm from 1/1 to 12/31)

**Water Right 27-2147 NOW 11-7547**

Well #5

Priority – 1965

Permitted Flow – 1.85 cfs or 830 gpm 1/1 to 12/31

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 69416

This is to certify that: NU WEST INDUSTRIES  
3010 CONDA RD  
SODA SPRINGS ID 83276  
(208)547-4381

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Change**

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
11-2187	WR/License	09/15/1964	2.2 cfs	N/A			GROUND WATER
11-2188	WR/License	09/27/1965	1.34 cfs	969 af			GROUND WATER
11-7429	WR/License	03/18/1974	3.34 cfs	N/A			GROUND WATER

**Purpose of Transfer (Changes Proposed)**

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
11-2187	NO	NO	NO	YES	NO	NO
11-2188	NO	NO	NO	YES	NO	NO
11-7429	NO	NO	NO	YES	NO	NO

**Summary of Water Rights After the Approved Change**

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acres Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
11-2187	11-2187	2.2 cfs	1590 af	N/A			N/A	N/A	N/A	N/A
11-2188	11-2188	1.34 cfs	969 af	N/A			N/A	N/A	N/A	N/A
11-7429	11-7429	3.34 cfs	2413.8 af	N/A			N/A	N/A	N/A	N/A
<b>TOTALS</b>		<b>6.88 cfs</b>					N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 21<sup>st</sup> day of October, 2002

*J. Allen Saylor*  
Chief, Water Allocation Bureau

MICROFILMED

MAR 24 2003

**WATER RIGHT NO. 11-2187**  
**As Modified by Transfer No. 69416**

In accordance with the approval of Transfer No. 69416, Water Right No. 11-2187 is now described as follows.

**Right Holder:** NU WEST INDUSTRIES  
 3010 CONDA RD  
 SODA SPRINGS ID 83276

**Priority Date:** September 15, 1964

**Source:** GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	01/01	to 12/31	2.20 CFS	1,590.0 AF
			2.20 CFS	1,590.0 AF

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER	SWSE	Sec. 10 Twp 08S	Rge 42E	CARIBOU County
GROUND WATER	SWSE	Sec. 10 Twp 08S	Rge 42E	CARIBOU County
GROUND WATER	NWNW	Sec. 15 Twp 08S	Rge 42E	CARIBOU County
GROUND WATER	NWNW	Sec. 15 Twp 08S	Rge 42E	CARIBOU County

**PLACE OF USE:** INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	42E	10					X	X					X	X					

**CONDITIONS OF APPROVAL**

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
3. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. The total instantaneous diversion of water from all points of diversion under Rights 11-2187, 11-2188 and 11-7429 shall not exceed 6.88 cfs, nor total combined annual volume of 4972.8 af.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Approval of this transfer does not confirm the validity of this water right.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 21<sup>st</sup> day of October, 2002

  
 MICHAEL L. MIED  
 Chief, Water Allocation Bureau

**WATER RIGHT NO. 11-7429**  
**As Modified by Transfer No. 69416**

In accordance with the approval of Transfer No. 69416, Water Right No. 11-7429 is now described as follows.

**Right Holder:** NU WEST INDUSTRIES  
 3010 CONDA RD  
 SODA SPRINGS ID 83276

**Priority Date:** March 18, 1974

**Source:** GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	01/01	to 12/31	3.34 CFS	2,413.8 AF
			3.34 CFS	2,413.8 AF

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER	SWSE	Sec. 10 Twp 08S	Rge 42E	CARIBOU County
GROUND WATER	SWSE	Sec. 10 Twp 08S	Rge 42E	CARIBOU County
GROUND WATER	NWNW	Sec. 15 Twp 08S	Rge 42E	CARIBOU County
GROUND WATER	NWNW	Sec. 15 Twp 08S	Rge 42E	CARIBOU County

**PLACE OF USE:** INDUSTRIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 42E 10					X	X				X	X						

**CONDITIONS OF APPROVAL**

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
3. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. The total instantaneous diversion of water from all points of diversion under Rights 11-2187, 11-2188 and 11-7429 shall not exceed 6.88 cfs, nor total combined annual volume of 4972.8 af.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Approval of this transfer does not confirm the validity of this water right.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 21<sup>st</sup> day of October, 2002

  
 Chief, Water Allocation Bureau

**WATER RIGHT NO. 11-2188**  
As Modified by Transfer No. 69416

In accordance with the approval of Transfer No. 69416, Water Right No. 11-2188 is now described as follows.

**Right Holder:** NU WEST INDUSTRIES  
3010 CONDA RD  
SODA SPRINGS ID 83276

**Priority Date:** September 27, 1965

**Source:** GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	1/01	12/31	1.34 CFS	969.0 AF
			1.34 CFS	969.0 AF

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER	SWSE	Sec. 10 Twp 08S	Rge 42E	CARIBOU County
GROUND WATER	SWSE	Sec. 10 Twp 08S	Rge 42E	CARIBOU County
GROUND WATER	NWNW	Sec. 15 Twp 08S	Rge 42E	CARIBOU County
GROUND WATER	NWNW	Sec. 15 Twp 08S	Rge 42E	CARIBOU County

**PLACE OF USE:** INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	42E	10					X	X			X	X							

**CONDITIONS OF APPROVAL**

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
3. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. The total instantaneous diversion of water from all points of diversion under Rights 11-2187, 11-2188 and 11-7429 shall not exceed 6.88 cfs, nor total combined annual volume of 4972.8 af.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Approval of this transfer does not confirm the validity of this water right.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 21<sup>st</sup> day of October, 2002

*[Signature]*  
Chief, Water Allocation Bureau

MICROFILMED

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report 11-7547

**WATER RIGHT NUMBER: 11-7547**

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	AGRICULTURAL PRODUCTS CORP
	CONDA, ID 83230

**Priority Date: 11/24/1965**

**Basis: License**

**Status: Active**

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
INDUSTRIAL	1/01 to 12/31	1.850 CFS	1,337.00 AF
	<u>Total Diversion:</u>	1.850 CFS	1,337.00 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4	Sec. 9,   Twp 08S,   Rge 42E, B.M.
CARIBOU County		

Place of Use

**INDUSTRIAL Within CARIBOU County**

T08S R42E S10	NWNW	T08S R42E S10	SWNW
T08S R42E S10	NWSW	T08S R42E S10	SWSW

Conditions of Approval:

1. SUBJECT TO THE CONDITION THAT THE MAXIMUM RATE OF DIVERSION SHALL NOT EXCEED 3.35 CFS WHEN COMBINED WITH RIGHTS 11-2187 AND 11-2188.

Comments:

1. Renumber   2/6/2006 12:49:49 PM   Renumber WR 11-7547  
Comment: This has been renumbered from 27-2147

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
3.35		
Combined Water Rights: 11-2187 , 11-2188 , 11-7547		

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 72676

This is to certify that: NU WEST INDUSTRIES INC  
3010 CONDA RD  
SODA SPRINGS ID 83276  
(208) 547-4381

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Change**

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
11-7546	WR/License	04/25/1967	6.68 cfs	3380 af	N/A	N/A	GROUND WATER

**Purpose of Transfer (Changes Proposed)**

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
11-7546	NO	NO	YES	YES	NO	NO

**Summary of Water Rights After the Approved Change**

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
11-7546	11-7546	6.68 cfs	3380 af	N/A	N/A		N/A	N/A	N/A	N/A
<b>COMBINED TOTALS</b>		<b>6.68 cfs</b>	<b>3380 af</b>	<b>N/A</b>	<b>N/A</b>		<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>

Detailed Water Right Description(s) attached

Dated this 24<sup>th</sup> day of May, 2006

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 11-7546**  
**As Modified by Transfer No. 72676**

In accordance with the approval of Transfer No. 72676, Water Right No. 11-7546 is now described as follows.

**Right Holder:** NU WEST INDUSTRIES INC  
 3010 CONDA RD  
 SODA SPRINGS ID 83276

**Priority Date:** April 25, 1967

**Source:** GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	01/01 to 12/31	6.68 CFS	3,380.0 AF
		6.68 CFS	3,380.0 AF

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER            SESW            Sec. 33 Twp 07S    Rge 42E    CARIBOU County

GROUND WATER            L2 (NWNE)            Sec. 4    Twp 08S    Rge 42E    CARIBOU County

**PLACE OF USE:** INDUSTRIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 42E 10					X	X			X	X							

**CONDITIONS OF APPROVAL**

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant(s) and the right holder under separate agreement for Transfer 5013 to which the Department is not a party and which may be enforceable by a court of law.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
6. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 24<sup>th</sup> day of May, 2006

  
 Chief, Water Allocation Bureau



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

1410 North Hilton • Boise, Idaho 83706 • (208) 373-0502

C.L. "Butch" Otter, Governor  
Toni Hardesty, Director

August 22, 2007

**Certified Mail No. 7102 0243 6844 0000 0168**

Charles Ross  
Agrium Conda Phosphate Operations  
3010 Conda Road  
Soda Springs, ID 83276

RE: Facility ID No. 029-00003, Agrium, Soda Springs  
Final Permit Letter

Dear Mr. Ross:

The Idaho Department of Environmental Quality (DEQ) is issuing Permit to Construct (PTC) No. P-060310 to Agrium, in accordance with IDAPA 58.01.01.200 through 228 (Rules for the Control of Air Pollution in Idaho).

This permit is based on your permit application, and on the relevant comments received during the public comment period. This permit is effective immediately and replaces PTC No. P-040320 issued on April 28, 2006 and PTC No. P-060324 issued on December 21, 2006, the terms and conditions of which no longer apply. This permit does not release Agrium from compliance with all other applicable federal, state, or local laws, regulations, permits, or ordinances.

This PTC was processed in accordance with IDAPA 58.01.01.209.05.c.; therefore, construction and operation may commence immediately. As requested in your May 30, 2006, submittal, DEQ will incorporate the permit to construct provisions into the Tier I operating permit through an administrative amendment in accordance with the Rules for the Control of Air Pollution in Idaho (IDAPA 58.01.01.381).

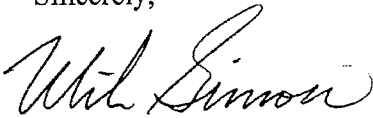
Pursuant to General Provision 5 of your permit, it is required that Construction and Operation Notification be provided. Please provide this information as listed to DEQ's Pocatello Regional Office at the address provided in your Tier I Operating Permit.

In order to fully understand the compliance requirements of this permit, DEQ highly recommends that you schedule a meeting with Thomas Edwards, Regional Air Quality Manager, at 208-236-6160 to review and discuss the terms and conditions of this permit. Should you choose to schedule this meeting, DEQ recommends the following representatives attend the meeting: your facility's plant manager, responsible official, environmental contact, and any other staff responsible for day-to-day compliance with permit conditions.

Agrium Conda Phosphate Operations  
Final Permit Letter, August 22, 2007  
Page 2

Pursuant to IDAPA 58.01.23, you, as well as any other entity, may have the right to appeal this final agency action within 35 days of the date of this decision. However, prior to filing a petition for a contested case, I encourage you to call Ken Hanna at (208) 373-0283 to address any questions or concerns you may have with the enclosed permit.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mike Simon".

Mike Simon  
Stationary Source Program Manager  
Air Quality Division

Enclosures

MS\KH\sd

Project No. P-060310

Agrium Conda Phosphate Operations  
Final Permit Letter, August 22, 2007  
Page 3

c: Tom Edwards/Connie Griffin, Pocatello Regional Office  
Bill Rogers, Permit Coordinator (Ltr only)  
Ken Hanna, Permit Writer (Ltr only)  
Marilyn Seymore/ Pat Rayne, Air Quality Division  
Laurie Kral, US EPA Region 10  
Permit Binder  
Source File  
Phyllis Heitman (Ltr Only)  
Reading File (Ltr Only)  
Joan Lechtenberg, Public Comment



**Air Quality  
PERMIT TO CONSTRUCT**

State of Idaho  
Department of Environmental Quality

**PERMIT No.:** P-060310

**FACILITY ID No.:** 029-00003

**AQCR:** 61

**CLASS:** A

**SIC:** 2874

**ZONE:** 12

**UTM COORDINATE (km):** 455.8, 4731.8

**1. PERMITTEE**

Nu-West Industries, Inc.; Agrium Conda Phosphate Operations

Phosphoric Acid Plant and Granulation Plant

**3. MAILING ADDRESS**

3010 Conda Road

**CITY**

Soda Springs

**STATE**

ID

**ZIP**

83276

**4. FACILITY CONTACT**

Coleman Kavanagh

**TITLE**

Environmental Supervisor

**TELEPHONE**

(208) 547-4381 ext. 263

**5. RESPONSIBLE OFFICIAL**

Charles H. Ross

**TITLE**

General Manager

**TELEPHONE**

(208) 547-4381

**6. EXACT PLANT LOCATION**

7 miles north of Soda Springs, 1.2 miles east of Highway 34

**COUNTY**

Caribou

**7. GENERAL NATURE OF BUSINESS & KINDS OF PRODUCTS**

Phosphate-based fertilizer products

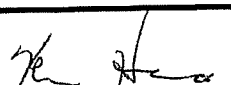
**8. GENERAL CONDITIONS**

This permit is issued according to the Rules for the Control of Air Pollution in Idaho, IDAPA 58.01.01.200 through 228, and pertains only to emissions of air contaminants regulated by the state of Idaho and to the sources specifically allowed to be constructed or modified by this permit.

This permit (a) does not affect the title of the premises upon which the equipment is to be located; (b) does not release the permittee from any liability for any loss due to damage to person or property caused by, resulting from, or arising out of the design, installation, maintenance, or operation of the proposed equipment; (c) does not release the permittee from compliance with other applicable federal, state, tribal, or local laws, regulations, or ordinances; (d) in no manner implies or suggests that the Department of Environmental Quality (DEQ) or its officers, agents, or employees, assume any liability, directly or indirectly, for any loss due to damage to person or property caused by, resulting from, or arising out of design, installation, maintenance, or operation of the proposed equipment.

This permit will expire if construction has not begun within two years of its issue date or if construction is suspended for one year.

This permit has been granted on the basis of design information presented with its application. Changes in design, equipment or operations may be considered a modification. Modifications are subject to DEQ review in accordance with IDAPA 58.01.01.200 through 228 of the Rules for the Control of Air Pollution in Idaho.

  
KEN HANNA, PERMIT WRITER  
DEPARTMENT OF ENVIRONMENTAL QUALITY

  
MIKE SIMON, STATIONARY SOURCE PROGRAM MANAGER  
DEPARTMENT OF ENVIRONMENTAL QUALITY

**DATE MODIFIED/REVISED:**

August 22, 2007

**DATE ISSUED:**

July 12, 2000

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## Acronyms, Units, and Chemical Nomenclature

AIRS	Aerometric Information Retrieval System
AQCR	Air Quality Control Region
BAE	baseline actual emissions
CFR	Code of Federal Regulations
CO	carbon monoxide
DEQ	Department of Environmental Quality
EPA	U.S. Environmental Protection Agency
IDAPA	a numbering designation for all administrative rules in Idaho promulgated in accordance with the Idaho Administrative Procedures Act
km	kilometer
lb/hr	pound per hour
MACT	Maximum Achievable Control Technology
MMBtu	million British thermal units
NO <sub>2</sub>	nitrogen dioxide
NO <sub>x</sub>	nitrogen oxides
NSPS	New Source Performance Standards
NSR	New Source Review
O&M	operations and maintenance
P <sub>2</sub> O <sub>5</sub>	phosphorus pentoxide
PM	particulate matter
PM <sub>10</sub>	particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers
PTC	permit to construct
RATA	relative accuracy test audit
SIC	Standard Industrial Classification
SPA	superphosphoric acid
T/yr	tons per year
UTM	Universal Transverse Mercator
VOC	volatile organic compound

AIR QUALITY PERMIT TO CONSTRUCT NUMBER: P-060310		
Permittee:	Nu-West Industries, Agrium Conda Phosphate Operations	Facility ID No. 029-00003
Location:	Soda Springs	

## 1. PERMIT TO CONSTRUCT SCOPE

### *Purpose*

- 1.1 The purpose of this PTC modification is to remove the requirement to install and operate a catalytic control system for the Superphosphoric Acid Plant Oxidation Process. Also, this PTC incorporates revisions to requirements for the Granulation Plant as set forth in PTC No. P-060324 (granulator drum replacement).
- 1.2 Those permit conditions that have been modified or revised by this permitting action are identified by a date citation located directly under the permit condition and on the right hand margin.
- 1.2 This PTC replaces the following PTCs, the terms and conditions of which shall no longer apply:
  - PTC No. P-040320 issued on April 28, 2006
  - PTC No. P-060324 issued on December 21, 2006

AIR QUALITY PERMIT TO CONSTRUCT NUMBER: P-060310		
Permittee:	Nu-West Industries, Agrium Conda Phosphate Operations	Facility ID No. 029-00003
Location:	Soda Springs	

## 2. FACILITY-WIDE CONDITIONS

### ***Emission Limits***

#### **2.1 Opacity Limit**

Visible emissions from any stack, vent, or other functionally equivalent opening shall not exceed 20% opacity for a period or periods aggregating more than three minutes in any 60-minute period, as required in IDAPA 58.01.01.625. Opacity shall be determined using IDAPA 58.01.01.625.

#### **2.2 Fugitive Dust Emissions**

Fugitive emissions shall not be observed leaving the property for a period or periods aggregating more than three minutes in any 60-minute period. Visible emissions shall be determined by EPA Reference Method 22, as described in 40 CFR 60, Appendix A, or by an Idaho Department of Environmental Quality (DEQ) approved alternative method.

### ***Operating Requirements***

#### **2.3 Evaporative Cooling Tower**

No owner or operator shall introduce into any evaporative cooling tower any liquid effluent from any wet scrubbing device installed to control emissions from process equipment in accordance with 40 CFR 63.603(e).

#### **2.4 Applicability of MACT General Provisions**

In accordance with 40 CFR 63.608 and 63.628, the owner or operator shall comply with the requirements of the general provisions in 40 CFR Part 63, Subpart A as shown in Appendix A to 40 CFR Part 63, Subpart AA and as shown in Appendix A to 40 CFR Part 63, Subpart BB.

#### **2.5 Reasonable Control of Fugitive Emissions**

All reasonable precautions shall be taken to prevent particulate matter from becoming airborne, in accordance with IDAPA 58.01.01.651 (*Rules for the Control of Air Pollution in Idaho*). In determining what is reasonable, considerations will be given to factors such as the proximity of dust emitting operations to human habitations, and/or activities and atmospheric conditions which might affect the movement of particulate matter. Some of the reasonable precautions include, but are not limited to, the following:

- 2.5.1 Use, where practical, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of lands;
- 2.5.2 Application, where practical, of asphalt, oil, water or suitable chemicals to, or covering of, dirt roads, material stockpiles, and other surfaces which can create dust;

**AIR QUALITY PERMIT TO CONSTRUCT NUMBER: P-060310**

<b>Permittee:</b>	Nu-West Industries, Agrium Conda Phosphate Operations	<b>Facility ID No. 029-00003</b>
<b>Location:</b>	Soda Springs	

- 2.5.3 Installation and use, where practical, of hoods, fans and fabric filters or equivalent systems to enclose and vent the handling of dusty materials. Adequate containment methods should be employed during sandblasting or other operations;
- 2.5.4 Covering, where practical, of open bodied trucks transporting materials likely to give rise to airborne dusts;
- 2.5.5 Paving of roadways and their maintenance in a clean condition, where practical; or
- 2.5.6 Prompt removal of earth or other stored material from streets, where practical.

**2.6 Phosphoric Acid Manufacturing Plant MACT Compliance Dates**

- 2.6.1 In accordance with 40 CFR 63.609(a), each owner or operator of an existing affected source at a phosphoric acid manufacturing plant shall achieve compliance with the requirements of 40 CFR Part 63, Subpart AA no later than June 10, 2002. Notwithstanding the requirements of 40 CFR 63.7(a)(2)(iii), each owner or operator of an existing source at an affected existing phosphoric acid manufacturing plant shall fulfill the applicable requirements of 40 CFR 63.606 no later than June 10, 2002.
- 2.6.2 In accordance with 40 CFR 63.609(b), each owner or operator of a phosphoric acid manufacturing plant that commences construction or reconstruction of an affected source after December 27, 1996, shall achieve compliance with the requirements of 40 CFR Part 63, Subpart AA upon startup of operations or by June 10, 1999, whichever is later.

**2.7 Phosphoric Acid Manufacturing Plant Exemption From New Source Performance Standards**

In accordance with 40 CFR 63.610, any affected source subject to the provisions of 40 CFR Part 63, Subpart AA is exempted from any otherwise applicable new source performance standard contained in 40 CFR Part 60, Subpart T, Subpart U or Subpart NN. To be exempt, a source must have a current operating permit pursuant to Title V of the Act and the source must be in compliance with all requirements of 40 CFR Part 63, Subpart AA. For each affected source, this exemption is effective upon the date that the owner or operator demonstrates to the Administrator that the requirements of 40 CFR 63.604, 63.605 and 63.606 have been met.

**2.8 Phosphate Fertilizers Production Plant MACT Compliance Dates**

- 2.8.1 In accordance with 40 CFR 63.630(a), each owner or operator of an existing affected source at a phosphate fertilizers production plant shall achieve compliance with the requirements of 40 CFR Part 63, Subpart BB no later than June 10, 2002. Notwithstanding the requirements of 40 CFR 63.7(a)(2)(iii), each owner or operator of an existing affected source at a phosphate fertilizers production plant shall fulfill the applicable requirements of 40 CFR 63.626 no later than June 10, 2002.
- 2.8.2 In accordance with 40 CFR 63.630(b), each owner or operator of a phosphate fertilizers production plant that commences construction or reconstruction of an affected source after December 27, 1996, shall achieve compliance with the requirements of 40 CFR Part 63, Subpart BB upon startup of operations or by June 10, 1999, whichever is later.

AIR QUALITY PERMIT TO CONSTRUCT NUMBER: P-060310		
<b>Permittee:</b>	Nu-West Industries, Agrium Conda Phosphate Operations	<b>Facility ID No.</b> 029-00003
<b>Location:</b>	Soda Springs	

## 2.9 Phosphate Fertilizers Production Plant Exemption From New Source Performance Standards

In accordance with 40 CFR 63.631, any affected source subject to the provisions of 40 CFR Part 63, Subpart BB is exempted from any otherwise applicable new source performance standard contained in 40 CFR Part 60, Subpart V, Subpart W, or Subpart X. To be exempt, a source must have a current operating permit pursuant to Title V of the Act and the source must be in compliance with all requirements of 40 CFR Part 63, Subpart BB. For each affected source, this exemption is effective upon the date that the owner or operator demonstrates to the Administrator that the requirements of 40 CFR 63.624, 63.625 and 63.626 have been met.

## ***Monitoring and Recordkeeping Requirements***

### 2.10 MACT Recordkeeping Requirements

In accordance with 40 CFR 63.607(b) and 63.627(b), each owner or operator subject to the requirements of either 40 CFR Part 63, Subpart AA or 40 CFR Part 63, Subpart BB shall comply with the recordkeeping requirements in 40 CFR 63.10.

### 2.11 Fugitive Dust Control Log

Unless specified elsewhere in this permit, the permittee shall monitor and record in a log the frequency and the method(s) used (i.e., water, chemical dust suppressants, etc.) to reasonably control fugitive emissions. The most recent five years' compilation of data shall be kept on site and shall be made available to DEQ representatives upon request.

## ***Reporting Requirements***

### 2.12 Performance Test Report

The proposed performance test date(s), test date rescheduling notice(s), compliance test report, and all other performance testing correspondence shall be submitted in accordance with PTC General Provision No. 6 to the following address:

Air Quality Permit Compliance  
Department of Environmental Quality  
Pocatello Regional Office  
444 Hospital Way, # 300  
Pocatello, Idaho 83201  
Office: (208) 236-6160  
Fax: (208) 236-6168

### 2.13 Evaporative Cooling Tower

Each owner or operator of an affected source subject to the evaporative cooling tower requirements in 40 CFR 63.603(e) must certify to the Administrator annually that he/she has complied with the requirements contained in that section, in accordance with 40 CFR 63.603(e).

<b>AIR QUALITY PERMIT TO CONSTRUCT NUMBER: P-060310</b>		
<b>Permittee:</b>	Nu-West Industries, Agrium Conda Phosphate Operations	<b>Facility ID No. 029-00003</b>
<b>Location:</b>	Soda Springs	

**2.14 MACT Notification Requirements**

In accordance with 40 CFR 63.607(a) and 63.627(a), each owner or operator subject to the requirements of either 40 CFR Part 63, Subpart AA or 40 CFR Part 63, Subpart BB shall comply with the notification requirements in 40 CFR 63.9.

AIR QUALITY PERMIT TO CONSTRUCT NUMBER: P-060310		
Permittee:	Nu-West Industries, Agrium Conda Phosphate Operations	Facility ID No. 029-00003
Location:	Soda Springs	

### 3. PHOSPHORIC ACID PROCESS LINE, SUPERPHOSPHORIC ACID PROCESS LINE, AND PURIFIED PHOSPHORIC ACID LINE

#### *Emission Limits*

#### 3.1 Fluoride - Wet Process Phosphoric Acid Process Line Requirement

In accordance with 40 CFR 63.603(a), on and after the date on which the performance test required to be conducted by 40 CFR 63.7 and 63.606 is required to be completed, no owner or operator subject to the provisions of 40 CFR Part 63, Subpart AA shall cause to be discharged into the atmosphere from any affected source any gases which contain total fluorides in excess of 6.750 gram/metric ton of equivalent  $P_2O_5$  feed (0.01350 lb/ton). 40 CFR 63.601 defines a wet process phosphoric acid process line as any process line manufacturing phosphoric acid by reacting phosphate rock and acid. The Conditioning Vent Scrubber System is part of the Phosphoric Acid Production Process.

#### 3.2 Fluoride - Superphosphoric Acid Process Line Requirement

In accordance with 40 CFR 63.603(b), on and after the date on which the performance test required to be conducted by 40 CFR 63.7 and 63.606 is required to be completed, no owner or operator subject to the provisions of 40 CFR Part 63, Subpart AA shall cause to be discharged into the atmosphere from any affected source any gases which contain total fluorides in excess of 4.350 gram/metric ton of equivalent  $P_2O_5$  feed (0.00870 lb/ton). 40 CFR 63.601 defines a superphosphoric acid process line as any process line which concentrates wet-process phosphoric acid to 66% or greater  $P_2O_5$  by weight.

#### 3.3 $NO_x$ - Superphosphoric Acid Oxidation Process

Emissions of oxides of nitrogen ( $NO_x$ ) from the Superphosphoric Acid Oxidation Process shall not exceed the emission rate limit listed in the Appendix of this permit.

#### *Operating Requirements*

#### 3.4 Pressure Drops and Flow Rates for Wet Scrubbers

In accordance with 40 CFR 63.604, on or after the date on which the performance test required to be conducted by 40 CFR 63.7 and 63.606 is completed, the owner/operator using a wet scrubbing emission control system must maintain daily averages of the pressure drop across each scrubber and of the flow rate of the scrubbing liquid to each scrubber within the allowable ranges established pursuant to the requirements of 40 CFR 63.605(d)(1) or (2).

#### 3.5 $P_2O_5$ Throughput - Superphosphoric Acid Process

The equivalent  $P_2O_5$  feed to the Superphosphoric Acid Process Line shall not exceed 345,000 tons per any consecutive 12-month period.

**AIR QUALITY PERMIT TO CONSTRUCT NUMBER: P-060310**

**Permittee:** Nu-West Industries, Agrium  
Conda Phosphate Operations

**Facility ID No.** 029-00003

**Location:** Soda Springs

**3.6 Superphosphoric Acid Oxidation Process - NO<sub>x</sub> Control**

When the Superphosphoric Acid Oxidation Process is operating, the permittee shall comply with the following for purposes of demonstrating compliance with the NO<sub>x</sub> emissions rate limit in Permit Condition 3.3:

**3.6.1** Reserved

**3.6.2** The permittee shall install, calibrate, maintain, and operate equipment to continuously measure the NO<sub>x</sub> emissions rate, in pounds for each hour of operation and in tons per month, discharged to the atmosphere from the Superphosphoric Acid Oxidation Process stack.

**3.6.3** The following NO<sub>x</sub> monitor information shall be recorded:

- on a monthly basis, the NO<sub>x</sub> emissions rate shall be recorded in tons per month and tons per each consecutive 12-month period;
- all periods during which the NO<sub>x</sub> control equipment and/or the NO<sub>x</sub> monitor were not operational;
- the results of all daily monitor calibrations.

The most recent five years' compilation of data shall be kept on-site, in a log or electronic storage media (data historian), and shall be made available to DEQ representatives upon request.

**3.6.4** Calibration of the continuous NO<sub>x</sub> monitor shall be maintained by performing the following:

- calibrations at least daily using a reference gas; and
- calibration in accordance with the manufacturer's specifications or as approved by DEQ.

**3.6.5** The NO<sub>x</sub> control equipment and the equipment for measuring and recording the NO<sub>x</sub> emissions rate shall be maintained and operated according to manufacturer's specifications or as approved by DEQ. For this purpose, the following shall remain on site at all times and shall be made available to DEQ representatives upon request: a copy of the manufacturer's specifications and all DEQ approved operating, maintenance and calibration specifications; and the most recent five years' compilation of NO<sub>x</sub> monitoring data and maintenance logs for the NO<sub>x</sub> monitoring equipment.

**[August 22, 2007]**

***Monitoring and Recordkeeping Requirements***

**3.7 Throughput Monitoring Systems**

In accordance with 40 CFR 63.605(a), each owner or operator of a new or existing wet-process phosphoric acid process line, superphosphoric acid process line, phosphate rock dryer, or phosphate rock calciner subject to the provisions of 40 CFR Part 63, Subpart AA shall install, calibrate, maintain, and operate a monitoring system which can be used to determine and permanently record the mass flow of phosphorus-bearing feed material to the process. The monitoring system shall have an accuracy of  $\pm 5\%$  over its operating range.

**AIR QUALITY PERMIT TO CONSTRUCT NUMBER: P-060310**

<b>Permittee:</b>	Nu-West Industries, Agrium Conda Phosphate Operations	<b>Facility ID No.</b> 029-00003
<b>Location:</b>	Soda Springs	

**3.8 P<sub>2</sub>O<sub>5</sub> Throughput**

In accordance with 40 CFR 63.605(b)(1), each owner or operator of a new or existing wet-process phosphoric acid process line or superphosphoric acid process line subject to the provisions of 40 CFR Part 63, Subpart AA shall maintain a daily record of equivalent P<sub>2</sub>O<sub>5</sub> feed by first determining the total mass rate in metric ton/hour of phosphorus bearing feed using a monitoring system for measuring mass flowrate which meets the requirements of 40 CFR 63.605(a) and then proceeding according to 40 CFR 63.606(c)(3).

**3.9 Pressure Drop Across Each Scrubber**

In accordance with 40 CFR 63.605(c)(1), each owner or operator of a new or existing wet-process phosphoric acid process line, superphosphoric acid process line, phosphate rock dryer or phosphate rock calciner using a wet scrubbing emission control system shall install, calibrate, maintain, and operate a monitoring system which continuously measures and permanently records the pressure drop across each scrubber in the process scrubbing system in 15-minute block averages. The monitoring system shall be certified by the manufacturer to have an accuracy of ±5% over its operating range.

**3.10 Liquid Flow Rate of Each Scrubber**

In accordance with 40 CFR 63.605(c)(2), each owner or operator of a new or existing wet-process phosphoric acid process line, superphosphoric acid process line, phosphate rock dryer or phosphate rock calciner using a wet scrubbing emission control system shall install, calibrate, maintain, and operate a monitoring system which continuously measures and permanently records the flow rate of the scrubbing liquid to each scrubber in the process scrubbing system in 15-minute block averages. The monitoring system shall be certified by the manufacturer to have an accuracy of ±5% over its operating range.

**3.11 Scrubber Pressure Drop and Liquid Flow Rate Ranges**

Following the date on which the performance test required in 40 CFR 63.606 is completed, the owner or operator of a new or existing affected source using a wet scrubbing emission control system and subject to emissions limitations for total fluorides or particulate matter contained in 40 CFR Part 63, Subpart AA must establish allowable ranges for operating parameters using the methodology specified in either 40 CFR 63.605(d)(1) or (2).

**3.12 Sulfiding Vent Scrubber Pressure Drop and Liquid Flow Rate**

- 3.12.1 The permittee shall install, calibrate, maintain, and operate, in accordance with manufacturer's specifications, equipment to continuously measure the pressure differential across the scrubber and the scrubbing media flowrate to the scrubber.
- 3.12.2 The pressure drop across the scrubber and the scrubbing media flowrate to the scrubber shall be maintained within the manufacturers and O&M Manual specifications when it is operated. Documentation of both the manufacturer's and O&M Manual operating pressure drop and scrubbing media flowrate specifications shall remain on site at all times and shall be available to DEQ representatives upon request.

**AIR QUALITY PERMIT TO CONSTRUCT NUMBER: P-060310**

<b>Permittee:</b>	Nu-West Industries, Agrium Conda Phosphate Operations	<b>Facility ID No. 029-00003</b>
<b>Location:</b>	Soda Springs	

- 3.12.3 The permittee shall monitor and record the pressure drop across the scrubber and the scrubbing media flowrate to the scrubber on a daily basis when it is operated. The most recent five years' compilation of data shall be kept on-site, in a log, and shall be made available to DEQ representatives upon request.

**3.13 Filter Aid Silo Baghouse Pressure Drop**

- 3.13.1 The permittee shall install, calibrate, maintain, and operate, in accordance with manufacturer's specifications, equipment to continuously measure the pressure differential across the baghouse.
- 3.13.2 The pressure drop across the baghouse shall be maintained within the manufacturer's and O&M Manual specifications when it is operated. Documentation of both the manufacturer's and O&M Manual operating pressure drop specifications shall remain on site at all times and shall be available to DEQ representatives upon request.
- 3.13.3 The permittee shall monitor and record the pressure drop across the baghouse on a weekly basis when it is operated. The most recent five years' compilation of data shall be kept on-site, in a log, and shall be made available to DEQ representatives upon request.

**3.14 Performance Testing for Existing Units**

On or before the applicable compliance date in 40 CFR 63.609 and once per annum thereafter, each owner or operator of a phosphoric acid manufacturing plant shall conduct a performance test to demonstrate compliance with the applicable emission standard for each existing wet-process phosphoric acid process line, superphosphoric acid process line, phosphate rock dryer, and phosphate rock calciner. The owner or operator shall conduct the performance test according to the procedures in 40 CFR Part 63, Subpart A and in 40 CFR 63.606.

**3.15 Performance Testing for New Units**

As required by 40 CFR 63.7(a)(2) and once per annum thereafter, each owner or operator of a phosphoric acid manufacturing plant shall conduct a performance test to demonstrate compliance with the applicable emission standard for each new wet-process phosphoric acid process line, superphosphoric acid process line, phosphate rock dryer, and phosphate rock calciner. The owner or operator shall conduct the performance test according to the procedures in 40 CFR Part 63, Subpart A and in 40 CFR 63.606.

**3.16 Performance Test Methods**

In conducting performance tests, each owner or operator of an affected source shall use as reference methods and procedures the test methods in 40 CFR part 60, appendix A, or other methods and procedures as specified in 40 CFR 63.606, except as provided in 40 CFR 63.7(f).

**3.17 Performance Testing - Fluorides**

Each owner or operator of a new or existing wet-process phosphoric acid process line or superphosphoric acid process line shall determine compliance with the applicable total fluorides standards in 40 CFR 63.602 or 63.603, as specified in 40 CFR 63.606(c).

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### 3.18 Operations and Maintenance Manual Requirements

The permittee shall maintain and implement an Operations and Maintenance (O&M) Manual for the Sulfiding Vent Scrubber and the Filter Aid Silo Baghouse which describes the procedures that will be followed to comply with General Provision B and the air pollution control device requirements contained in this permit. The manual shall remain on site at all times and shall be available to DEQ representatives upon request.

### 3.19 NSR Projected Emissions Records for the SPA Production Increase Project, P-040320

The permittee shall maintain records and provide reports as follows for the project to increase the P<sub>2</sub>O<sub>5</sub> feed input to the SPA in accordance with IDAPA 58.01.01.205.01 [40 CFR 52.21(r)(6) and (7)]:

- 3.19.1 In accordance with 40 CFR 52.21(r)(6)(i), before beginning actual construction of the project, the owner or operator shall document and maintain a record of the following information:
- (a) A description of the project;
  - (b) Identification of the emissions unit(s) whose emissions of a regulated NSR pollutant could be affected by the project (i.e., Superphosphoric Acid (SPA) Plant, Phosphoric Acid Plant, Boiler B-5, Thermal Oil Heaters, SPA Oxidizer, ore storage and transfer fugitive emissions, and gypsum stack fugitive emissions (including roadway dust)); and
  - (c) A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions and the projected actual emissions.
- 3.19.2 In accordance with 40 CFR 52.21(r)(6)(iii), the owner or operator shall monitor the emissions of NO<sub>x</sub>, Fluoride, CO, PM<sub>10</sub>, PM, and VOC from the emissions units listed in Permit Condition 3.19.1; and calculate and maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of five years following April 28, 2006.
- 3.19.3 In accordance with 40 CFR 52.21(r)(6)(v), the owner or operator shall submit a report to DEQ and the EPA Administrator if the annual emissions, in tons per year, from the project identified under Permit Condition 3.19.1, exceed the baseline actual emissions (as documented and maintained pursuant to Permit Condition 3.19.1(c)), by a significant amount (as defined in 40 CFR 52.21(b)(23)) for that regulated NSR pollutant, and if such emissions differ from the preconstruction projection as documented and maintained pursuant to Permit Condition 3.19.1(c). Such report shall be submitted to DEQ and the EPA Administrator within 60 days after the end of such year. In particular, in accordance with IDAPA 58.01.01.211.01, the permittee shall submit a report when each of the following conditions occur:
- (a) When the annual combined emissions of NO<sub>x</sub> from all of the sources listed in Permit Condition 3.19.1 exceed 74.2 tons per year.
  - (b) When the annual combined emissions of fluoride from all of the sources listed in Permit Condition 3.19.1 exceed 42.5 tons per year.
  - (c) When the annual combined emissions of NO<sub>x</sub> from all of the sources listed in Permit Condition 3.19.1 exceed 67.4 tons per year.

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- (d) When the annual combined emissions of fluoride from all of the sources listed in Permit Condition 3.19.1 exceed 41.8 tons per year.

[August 22, 2007]

The information in Table 2.1 shall be used for purposes of complying with this requirement:

**Table 2.1 40 CFR 52.21(r)(6)(v) INFORMATION FOR  
THE SPA PRODUCTION INCREASE PROJECT**

TYPE OF EMISSIONS	NO <sub>x</sub> (T/yr)	Fluoride (T/yr)
Baseline Actual Emissions (BAE)	34.2	39.5
Significant defined by 52.21(b)(23)	40	3
Annual emission rate that would exceed BAE by a significant amount	74.2	42.5
Preconstruction projection <sup>a</sup>	67.4	41.8

<sup>a</sup>Preconstruction projection is the same as projected actual emissions.

3.19.4 In accordance with 40 CFR 52.21(r)(6)(v), The report shall contain the following:

- The name, address and telephone number of the major stationary source;
- The annual emissions as calculated pursuant to paragraph (r)(6)(iii) of this section; and
- Any other information that the owner or operator wishes to include in the report (e.g., an explanation as to why the emissions differ from the preconstruction projection).

3.19.5 In accordance with 40 CFR 52.21(r)(7), the owner or operator of the source shall make the information required to be documented and maintained pursuant to 40 CFR 52.21(r)(6) of this section available for review upon a request for inspection by the Administrator or the general public pursuant to the requirements contained in 40 CFR 70.4(b)(3)(viii).

## ***Reporting Requirements***

### **3.20 MACT Performance Test Report**

In accordance with 40 CFR 63.607(c), the owner or operator of an affected source shall comply with the reporting requirements specified in 40 CFR 63.10 as follows:

- 3.20.1 Performance Test Report. As required by 40 CFR 63.10, the owner or operator shall report the results of the initial and annual performance tests as part of the notification of compliance status required in 40 CFR 63.9.
- 3.20.2 Excess Emissions Report. As required by 40 CFR 63.10, the owner or operator of an affected source shall submit an excess emissions report for any exceedance of an operating parameter limit. The report shall contain the information specified in 40 CFR 63.10. When no exceedances of an operating parameter have occurred, such information shall be included in the report. The report shall be submitted semiannually and shall be delivered or postmarked by the 30th day following the end of the calendar half. If exceedances are reported, the owner or operator shall report quarterly until a request to reduce reporting frequency is approved, as described in 40 CFR 63.10.

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3.20.3 Summary Report. If the total duration of control system exceedances for the reporting period is less than one percent of the total operating time for the reporting period, the owner or operator shall submit a summary report containing the information specified in 40 CFR 63.10, rather than the full excess emissions report, unless required by the Administrator. The summary report shall be submitted semiannually and shall be delivered or postmarked by the 30th day following the end of the calendar half.

3.20.4 If the total duration of control system operating parameter exceedances for the reporting period is one percent or greater of the total operating time for the reporting period, the owner or operator shall submit a summary report and excess emissions report.

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#### 4. GRANULATION PLANT

##### *Emission Limits*

##### 4.1 Fluoride - Diammonium and/or Monoammonium Phosphate Process Line

In accordance with 40 CFR 63.623(a), on and after the date on which the performance test required to be conducted by 40 CFR 63.7 and 63.626 is completed, no owner or operator subject to the provisions of 40 CFR Part 63, Subpart BB shall cause to be discharged into the atmosphere from any affected source any gases which contain total fluorides in excess of 29.0 grams/metric ton of equivalent  $P_2O_5$  feed (0.0580 lb/ton).

##### 4.2 PM - Process Weight Rate Limitations

In accordance with IDAPA 58.01.01.701, no person shall emit into the atmosphere from any process or process equipment commencing operation on or after October 1, 1979, PM in excess of the amount shown by the following equations, where E is the allowable emission from the entire source in pounds per hour, and PW is the process weight in pounds per hour.

- a. If PW is less than 9,250 lb/hr,

$$E = 0.045(PW)^{0.6}$$

- b. If PW is equal to or greater than 9,250 lb/hr,

$$E = 1.10(PW)^{0.25}$$

[December 21, 2006]

##### *Operating Requirements*

##### 4.3 Pressure Drops and Flow Rates for Wet Scrubbers

In accordance with 40 CFR 63.624, on or after the date on which the performance test required to be conducted by 40 CFR 63.7 and 63.626 is completed, the owner/operator using a wet scrubbing emission control system must maintain daily averages of the pressure drop across each scrubber and of the flow rate of the scrubbing liquid to each scrubber within the allowable ranges established pursuant to the requirements of 40 CFR 63.625(f)(1) or (2).

##### 4.4 Granulator Drum Replacement - PSD

The permittee shall permanently discontinue operation of the existing granulator drum after the replacement granulator drum is installed. If the existing granulator drum is proposed to be brought back into operation, it shall be considered to be a new emissions unit and shall be subject to permitting in accordance with IDAPA 58.01.01.200 and 205 (40 CFR 52.21(b)(33)(iv)).

[December 21, 2006]

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## ***Monitoring and Recordkeeping Requirements***

### **4.5 Throughput Monitoring Systems**

In accordance with 40 CFR 63.625(a), each owner or operator of a new or existing Diammonium and/or Monoammonium phosphate process line or granular triple superphosphate process line subject to the provisions of 40 CFR Part 63, Subpart BB shall install, calibrate, maintain, and operate a monitoring system which can be used to determine and permanently record the mass flow of phosphorus-bearing feed material to the process. The monitoring system shall have an accuracy of  $\pm 5\%$  over its operating range.

### **4.6 P<sub>2</sub>O<sub>5</sub> Throughput**

In accordance with 40 CFR 63.625(b), each owner or operator of a new or existing Diammonium and/or Monoammonium phosphate process line or granular triple superphosphate process line subject to the provisions of 40 CFR Part 63, Subpart BB shall maintain a daily record of equivalent P<sub>2</sub>O<sub>5</sub> feed by first determining the total mass rate in metric ton/hour of phosphorus bearing feed using a monitoring system for measuring mass flowrate which meets the requirements of 40 CFR 63.625(a) and then by proceeding according to 40 CFR 63.626(c)(3).

### **4.7 Pressure Drop Across Each Scrubber**

In accordance with 40 CFR 63.625(c)(1), each owner or operator of a new or existing Diammonium and/or Monoammonium phosphate process line, granular triple superphosphate process line, or granular triple superphosphate storage building using a wet scrubbing emission control system shall install, calibrate, maintain, and operate a monitoring system which continuously measures and permanently records the pressure drop across each scrubber in the process scrubbing system in 15-minute block averages. The monitoring system shall be certified by the manufacturer to have an accuracy of  $\pm 5\%$  over its operating range.

### **4.8 Liquid Flow Rate of Each Scrubber**

In accordance with 40 CFR 63.625(c)(2), each owner or operator of a new or existing Diammonium and/or Monoammonium phosphate process line, granular triple superphosphate process line, or granular triple superphosphate storage building using a wet scrubbing emission control system shall install, calibrate, maintain, and operate a monitoring system which continuously measures and permanently records the flow rate of the scrubbing liquid to each scrubber in the process scrubbing system in 15-minute block averages. The monitoring system shall be certified by the manufacturer to have an accuracy of  $\pm 5\%$  over its operating range.

### **4.9 Scrubber Pressure Drop and Liquid Flow Rate Ranges**

Following the date on which the performance test required in 40 CFR 63.626 is completed, the owner or operator of a new or existing affected source using a wet scrubbing emission control system and subject to emissions limitations for total fluorides or particulate matter contained in 40 CFR Part 63, Subpart BB must establish allowable ranges for operating parameters using the methodology specified in either 40 CFR 63.625(f)(1) or (2).

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**4.10 Urea Storage Baghouse Pressure Drop**

- 4.10.1 The permittee shall install, calibrate, maintain, and operate, in accordance with manufacturer's specifications, equipment to continuously measure the pressure differential across the baghouse.
- 4.10.2 The pressure drop across the baghouse shall be maintained within the manufacturer's and O&M Manual specifications when it is operated. Documentation of both the manufacturer's and O&M Manual operating pressure drop specifications shall remain on site at all times and shall be available to DEQ representatives upon request.
- 4.10.3 The permittee shall monitor and record the pressure drop across the baghouse on a weekly basis when it is operated. The most recent five years' compilation of data shall be kept on-site, in a log, and shall be made available to DEQ representatives upon request.

**4.11 Performance Testing for Existing Units**

On or before the applicable compliance date in 40 CFR 63.630 and once per annum thereafter, each owner or operator of a phosphate fertilizers production plant subject to the provisions of 40 CFR Part 63, Subpart BB shall conduct a performance test to demonstrate compliance with the applicable emission standard for each existing Diammonium and/or Monoammonium phosphate process line. The owner or operator shall conduct the performance test according to the procedures in 40 CFR Part 63, Subpart A and in 40 CFR 63.626.

**4.12 Performance Testing for New Units**

As required by 40 CFR 63.7(a)(2) and once per annum thereafter, each owner or operator of a phosphate fertilizer production plant subject to the provisions of 40 CFR Part 63, Subpart BB shall conduct a performance test to demonstrate compliance with the applicable emission standard for each new Diammonium and/or Monoammonium phosphate process line. The owner or operator shall conduct the performance test according to the procedures in 40 CFR Part 63, Subpart A and in 40 CFR 63.626.

**4.13 Performance Test Methods**

In conducting performance tests, each owner or operator of an affected source shall use as reference methods and procedures the test methods in 40 CFR part 60, Appendix A, or other methods and procedures as specified in 40 CFR 63.626, except as provided in 40 CFR 63.7(f).

**4.14 Performance Testing - Fluorides**

Each owner or operator of a new or existing Diammonium and/or Monoammonium phosphate process line shall determine compliance with the applicable total fluorides standards in 40 CFR 63.622 or 63.623, as specified in 40 CFR 63.626(c).

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#### 4.15 Operations and Maintenance Manual Requirements

Within 60 days after startup, the permittee shall have developed an Operations and Maintenance (O&M) Manual for the Urea Storage Baghouse, which describes the procedures that will be followed to comply with General Provision B and the air pollution control device requirements contained in this permit. The manual shall remain on site at all times and shall be available to DEQ representatives upon request.

### **Reporting Requirements**

#### 4.16 MACT Performance Test Report

In accordance with 40 CFR 63.627(c), the owner or operator of an affected source shall comply with the reporting requirements specified in 40 CFR 63.10 as follows:

- 4.16.1 Performance Test Report. As required by 40 CFR 63.10, the owner or operator shall report the results of the initial and annual performance tests as part of the notification of compliance status required in 40 CFR 63.9.
- 4.16.2 Excess Emissions Report. As required by 40 CFR 63.10, the owner or operator of an affected source shall submit an excess emissions report for any exceedance of an operating parameter limit. The report shall contain the information specified in 40 CFR 63.10. When no exceedances of an operating parameter have occurred, such information shall be included in the report. The report shall be submitted semiannually and shall be delivered or postmarked by the 30th day following the end of the calendar half. If exceedances are reported, the owner or operator shall report quarterly until a request to reduce reporting frequency is approved, as described in 40 CFR 63.10.
- 4.16.3 Summary Report. If the total duration of control system exceedances for the reporting period is less than one percent of the total operating time for the reporting period, the owner or operator shall submit a summary report containing the information specified in 40 CFR 63.10 rather than the full excess emissions report, unless required by the Administrator. The summary report shall be submitted semiannually and shall be delivered or postmarked by the 30th day following the end of the calendar half.
- 4.16.4 If the total duration of control system operating parameter exceedances for the reporting period is one percent or greater of the total operating time for the reporting period, the owner or operator shall submit a summary report and the excess emissions report.

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## 5. CLEAVER-BROOKS BOILER

### *Emission Limits*

#### 5.1 NO<sub>x</sub> Emission Limits

Oxides of nitrogen (NO<sub>x</sub>) emissions from the boiler stack shall not exceed any corresponding emission rate limits listed in the Appendix of this permit.

#### 5.2 NSPS NO<sub>x</sub> Emission Limits

On and after the date the initial performance test is completed, or is required to be completed under 40 CFR 60.44b(a) (whichever comes first), the permittee shall not cause any gases that contain nitrogen oxides (expressed as NO<sub>2</sub>) to be discharged into the atmosphere in excess of 0.10 pounds per million Btu (0.10 lb/MMBtu) heat input to the boiler at a low heat release rate (70,000 Btu/hr-ft<sup>3</sup> or less), or in excess of 0.20 pounds per million Btu (0.20 lb/MMBtu) heat input to the boiler at a high heat release rate (greater than 70,000 Btu/hr-ft<sup>3</sup>).

- 5.2.1 In accordance with 40 CFR 60.44b(h) and for purposes of compliance with 40 CFR 60.44b(i), the nitrogen oxide standards under 40 CFR 60.44b apply at all times including periods of startup, shutdown, or malfunction. Except as provided under 40 CFR 60.44b(j), compliance with the emissions limits under 40 CFR 60.44b is determined on a 30-day rolling average basis.

### *Operating Requirements*

#### 5.3 Fuel Specification

The boiler shall use only natural gas as fuel.

#### 5.4 Applicability of NSPS General Provisions

The permittee shall comply with the NSPS general provisions as specified in 40 CFR Part 60, Subpart A.

### *Monitoring, Recordkeeping, and Reporting Requirements*

#### 5.5 NO<sub>x</sub> Performance Test

In accordance with 40 CFR 60.46b(c), compliance with the nitrogen oxides emission standards under 40 CFR 60.44b and the emission limits in the Appendix of this permit shall be determined through performance testing under 40 CFR 60.46b(e) or (g). This performance test, and any subsequent performance tests conducted to demonstrate compliance with this permit, shall be performed in accordance with IDAPA 58.01.01.157 and General Provision 6 of this permit.

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**5.6 NO<sub>x</sub> Monitoring, Recordkeeping, and Reporting**

In accordance with 40 CFR 60.49b, the permittee shall comply with either the continuous monitoring system requirements under 40 CFR 60.48b(b) through 60.48b(f) or the predictive monitoring requirements under 40 CFR 60.48b(g) to demonstrate compliance with the nitrogen oxides emission monitoring requirements specified in 40 CFR 60.48b. The permittee shall also comply with the NSPS recordkeeping and reporting requirements specified in 40 CFR 60.49b and the notification and recordkeeping requirements specified in 40 CFR 60.7.

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## 6. APPENDIX

Nu-West Industries - Soda Springs

Annual (T/yr) Emission Limits<sup>a</sup>

Source Description	NO <sub>x</sub> (Ton/year) <sup>b,c</sup>
Cleaver-Brooks Boiler (CP-5536601)	33
Superphosphoric Acid Oxidation Process	5

<sup>a</sup>. As determined by a pollutant-specific U.S. EPA reference method, DEQ-approved alternative, or as determined by DEQ's emission estimation methods used in the permit application analysis.

<sup>b</sup>. As determined by multiplying the actual or allowable (if actual is not available) pound per hour, or pound per ton processed, emission rate by the allowable hours per year that the process(es) may operate(s), or by actual annual production rates.

<sup>c</sup>. T/yr is tons of emissions per any consecutive 12-month period

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## 7. PERMIT TO CONSTRUCT GENERAL PROVISIONS

### **General Compliance**

1. The permittee has a continuing duty to comply with all terms and conditions of this permit. All emissions authorized herein shall be consistent with the terms and conditions of this permit and the Rules for the Control of Air Pollution in Idaho. The emissions of any pollutant in excess of the limitations specified herein, or noncompliance with any other condition or limitation contained in this permit, shall constitute a violation of this permit and the Rules for the Control of Air Pollution in Idaho, and the Environmental Protection and Health Act, Idaho Code §39-101, et seq.  
[Idaho Code §39-101, et seq.]
2. The permittee shall at all times (except as provided in the Rules for the Control of Air Pollution in Idaho) maintain in good working order and operate as efficiently as practicable, all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable Idaho laws for the control of air pollution.  
[IDAPA 58.01.01.211, 5/1/94]
3. Nothing in this permit is intended to relieve or exempt the permittee from the responsibility to comply with all applicable local, state, or federal statutes, rules and regulations.  
[IDAPA 58.01.01.212.01, 5/1/94]

### **Inspection and Entry**

4. Upon presentation of credentials, the permittee shall allow DEQ or an authorized representative of DEQ to do the following:
  - a. Enter upon the permittee's premises where an emissions source is located or emissions related activity is conducted, or where records are kept under conditions of this permit;
  - b. Have access to and copy, at reasonable times, any records that are kept under the conditions of this permit;
  - c. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and
  - d. As authorized by the Idaho Environmental Protection and Health Act, sample or monitor, at reasonable times, substances or parameters for the purpose of determining or ensuring compliance with this permit or applicable requirements.
 [Idaho Code §39-108]

### **Construction and Operation Notification**

5. The permittee shall furnish DEQ written notifications as follows in accordance with IDAPA 58.01.01.211:
  - a. A notification of the date of initiation of construction, within five working days after occurrence;

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- b. A notification of the date of any suspension of construction, if such suspension lasts for one year or more;
- c. A notification of the anticipated date of initial start-up of the stationary source or facility not more than sixty days or less than thirty days prior to such date;
- d. A notification of the actual date of initial start-up of the stationary source or facility within fifteen days after such date; and
- e. A notification of the initial date of achieving the maximum production rate, within five working days after occurrence - production rate and date.

[IDAPA 58.01.01.211, 5/1/94]

### **Performance Testing**

6. If performance testing (air emissions source test) is required by this permit, the permittee shall provide notice of intent to test to DEQ at least 15 days prior to the scheduled test date or shorter time period as approved by DEQ. DEQ may, at its option, have an observer present at any emissions tests conducted on a source. DEQ requests that such testing not be performed on weekends or state holidays.

All performance testing shall be conducted in accordance with the procedures in IDAPA 58.01.01.157. Without prior DEQ approval, any alternative testing is conducted solely at the permittee's risk. If the permittee fails to obtain prior written approval by DEQ for any testing deviations, DEQ may determine that the testing does not satisfy the testing requirements. Therefore, at least 30 days prior to conducting any performance test, the permittee is encouraged to submit a performance test protocol to DEQ for approval. The written protocol shall include a description of the test method(s) to be used, an explanation of any or unusual circumstances regarding the proposed test, and the proposed test schedule for conducting and reporting the test.

Within 30 days following the date in which a performance test required by this permit is concluded, the permittee shall submit to DEQ a performance test report. The written report shall include a description of the process, identification of the test method(s) used, equipment used, all process operating data collected during the test period, and test results, as well as raw test data and associated documentation, including any approved test protocol.

[IDAPA 58.01.01.157, 4/5/00]

### **Monitoring and Recordkeeping**

7. The permittee shall maintain sufficient records to ensure compliance with all of the terms and conditions of this permit. Records of monitoring information shall include, but not be limited to the following: (a) the date, place, and times of sampling or measurements; (b) the date analyses were performed; (c) the company or entity that performed the analyses; (d) the analytical techniques or methods used; (e) the results of such analyses; and (f) the operating conditions existing at the time of sampling or measurement. All monitoring records and support information shall be retained for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Supporting information includes, but is not limited to, all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation and copies of all reports required by this permit. All records required to be maintained by this permit shall be made available in either hard copy or electronic format to DEQ representatives upon request.

[IDAPA 58.01.01.211, 5/1/94]

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### ***Excess Emissions***

8. The permittee shall comply with the procedures and requirements of IDAPA 58.01.01.130-136 for excess emissions due to startup, shutdown, scheduled maintenance, safety measures, upsets and breakdowns.

[IDAPA 58.01.01.130-136, 4/5/00]

### ***Certification***

9. All documents submitted to DEQ, including, but not limited to, records, monitoring data, supporting information, requests for confidential treatment, testing reports, or compliance certification shall contain a certification by a responsible official. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document(s) are true, accurate, and complete.

[IDAPA 58.01.01.123, 5/1/94]

### ***False Statements***

10. No person shall knowingly make any false statement, representation, or certification in any form, notice, or report required under this permit, or any applicable rule or order in force pursuant thereto.

[IDAPA 58.01.01.125, 3/23/98]

### ***Tampering***

11. No person shall knowingly render inaccurate any monitoring device or method required under this permit or any applicable rule or order in force pursuant thereto.

[IDAPA 58.01.01.126, 3/23/98]

### ***Transferability***

12. This permit is transferable in accordance with procedures listed in IDAPA 58.01.01.209.06.

[IDAPA 58.01.01.209.06, 4/11/06]

### ***Severability***

13. The provisions of this permit are severable, and if any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

1410 North Hillon • Boise, Idaho 83706 • (208) 373-0502

C.L. "Butch" Otter, Governor  
Toni Hardesty, Director

February 20, 2009

Certified Mail No. 7190 0596 0014 0000 5643

Eric Vettergren, Plant Manager  
Agrium Conda Phosphate Operations  
3010 Conda Road  
Soda Springs, ID 83726

RE: Facility ID No. 029-00003, Nu-West Industries, Inc., Agrium CPO, Soda Springs  
Final Permit Letter

Dear Mr. Vettergren:

The Department of Environmental Quality (DEQ) is issuing revised Permit to Construct (PTC) No. P-2009.0002 to Nu-West Industries, Inc., Agrium Conda Phosphate Operations, for the gypsum stacks at its Soda Springs facility in accordance with IDAPA 58.01.01.200 through 228 (Rules for the Control of Air Pollution in Idaho).

This permit is based on your permit application received on December 24, 2008. This permit is effective immediately and replaces PTC No. P-2007.0170, issued on December 19, 2007, the terms and conditions of which no longer apply. This permit does not release Nu-West Industries, Inc. from compliance with all other applicable federal, state, or local laws, regulations, permits, or ordinances.

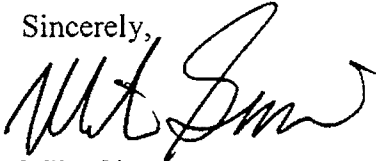
This permit to construct does not contravene any existing Tier I operating permit conditions, therefore, the process or equipment may be operated in accordance with the permit to construct before the Tier I operating permit is changed. The permit to construct will be incorporated into the Tier I operating permit at the time of renewal.

Pursuant to General Provision 5 of your permit, it is required that Construction and Operation Notification be provided. Please provide this information as listed to DEQ's Pocatello Regional Office at the address provided in your Tier I operating permit.

In order to fully understand the compliance requirements of this permit, DEQ highly recommends that you schedule a meeting with Rick Elkins, Air Quality Analyst, at (208) 236-5020 to review and discuss the terms and conditions of this permit. Should you choose to schedule this meeting, DEQ recommends the following representatives attend the meeting: your facility's plant manager, responsible official, environmental contact, and any other staff responsible for day-to-day compliance with permit conditions.

Pursuant to IDAPA 58.01.23, you, as well as any other entity, may have the right to appeal this final agency action within 35 days of the date of this decision. However, prior to filing a petition for a contested case, I encourage you to contact Ken Hanna at (208) 373-0502 or [kenneth.hanna@deq.idaho.gov](mailto:kenneth.hanna@deq.idaho.gov) to address any questions or concerns you may have with the enclosed permit.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Simon", with a stylized flourish at the end.

Mike Simon  
Stationary Source Program Manager  
Air Quality Division

MSKH\hp

Project No. P-2009.0002

Enclosure



**Air Quality**  
**PERMIT TO CONSTRUCT**  
**State of Idaho**  
**Department of Environmental Quality**

**PERMIT No.:** P-2009.0002

**FACILITY ID No.:** 029-00003

**AQCR:** 61

**CLASS:** A

**ZONE:** 12

**SIC:** 2874

**NAICS:** 325312

**UTM COORDINATE (km):** 455.8, 4731.8

**1. PERMITTEE**

Nu-West Industries, Inc.; Agrium Conda Phosphate Operations

**2. PROJECT**

Phosphogypsum Stacks, revision for construction of the West Gypsum Stack II (F-GYP-2)

**3. MAILING ADDRESS**

3010 Conda Road

**CITY**

Soda Springs

**STATE**

ID

**ZIP**

83276

**4. FACILITY CONTACT**

Coleman Kavanagh

**TITLE**

Environmental Supervisor

**TELEPHONE**

(208) 547-4381 ext 263

**5. RESPONSIBLE OFFICIAL**

Erik Vettergren

**TITLE**

Plant Manager

**TELEPHONE**

(208) 547-4381

**6. EXACT PLANT LOCATION**

7 miles north of Soda Springs, 1.2 miles east of Highway 34

**COUNTY**

Caribou

**7. GENERAL NATURE OF BUSINESS & KINDS OF PRODUCTS**

Phosphate-based fertilizer products

**8. PERMIT AUTHORITY**

This permit is issued according to the Rules for the Control of Air Pollution in Idaho, IDAPA 58.01.01.200 through 228, and pertains only to emissions of air contaminants regulated by the state of Idaho and to the sources specifically allowed to be constructed or modified by this permit.

This permit (a) does not affect the title of the premises upon which the equipment is to be located; (b) does not release the permittee from any liability for any loss due to damage to person or property caused by, resulting from, or arising out of the design, installation, maintenance, or operation of the proposed equipment; (c) does not release the permittee from compliance with other applicable federal, state, tribal, or local laws, regulations, or ordinances; (d) in no manner implies or suggests that the Department of Environmental Quality (DEQ) or its officers, agents, or employees, assume any liability, directly or indirectly, for any loss due to damage to person or property caused by, resulting from, or arising out of design, installation, maintenance, or operation of the proposed equipment.

This permit will expire if construction has not begun within two years of its issue date or if construction is suspended for one year.

This permit has been granted on the basis of design information presented with its application. Changes in design, equipment or operations may be considered a modification. Modifications are subject to DEQ review in accordance with IDAPA 58.01.01.200 through 228 of the Rules for the Control of Air Pollution in Idaho.

  
KEN HANNA, PERMIT WRITER  
DEPARTMENT OF ENVIRONMENTAL QUALITY

  
MIKE SIMON, STATIONARY SOURCE PROGRAM MANAGER  
DEPARTMENT OF ENVIRONMENTAL QUALITY

**DATE MODIFIED/REVISED:**

February 20, 2009

**DATE ISSUED:**

July 22, 2005

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## Acronyms, Units, and Chemical Nomenclature

AFS	AIRS Facility Subsystem
AIRS	Aerometric Information Retrieval System
AQCR	Air Quality Control Region
CAA	Clean Air Act
CFR	Code of Federal Regulations
DEQ	Department of Environmental Quality
EPA	U.S. Environmental Protection Agency
gyp	gypsum or phosphogypsum
HAP	hazardous air pollutant
IDAPA	a numbering designation for all administrative rules in Idaho promulgated in accordance with the Idaho Administrative Procedures Act
km	kilometer
lb/hr	pounds per hour
m	meter(s)
MACT	Maximum Achievable Control Technology
NAICS	North American Industry Classification System
NESHAP	Nation Emission Standards for Hazardous Air Pollutants
NSPS	New Source Performance Standards
pCi	picocurie
PM	particulate matter
PM <sub>10</sub>	particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers
PTC	permit to construct
scf	standard cubic feet
SIC	Standard Industrial Classification
SIP	State Implementation Plan
TAP	toxic air pollutant
T/yr	tons per year
UTM	Universal Transverse Mercator

**AIR QUALITY PERMIT TO CONSTRUCT NUMBER: P-2009.0002****Permittee:** Nu-West Industries, Agrium**Location:** Soda Springs, Idaho**Facility ID No. 029-00003****1. PERMIT TO CONSTRUCT SCOPE*****Purpose***

- 1.1 The purpose of this PTC revision is to revise the requirements for construction of the West Gypsum Stack II (F-GYP-2). This revised permit clarifies the pond surface size requirements, emissions limits, and the monitoring requirements for the facility's phosphogypsum (gyp) stacks.
- 1.2 Those permit conditions that have been modified or revised by this permitting action are identified by a date citation located directly under the permit condition and on the right hand margin.
- 1.3 This PTC replaces PTC No. P-2007.0170, issued on December 19, 2007, for construction of the West Gypsum Stack II (F-GYP-2), the terms and conditions of which shall no longer apply.

***Regulated Sources***

- 1.4 Table 1.1 lists all sources of regulated emissions in this PTC.

**Table 1.1 SUMMARY OF REGULATED SOURCES**

Permit Section	Source Description	Emissions Control
2	125-acre Gyp Stack, F-GYP-0, built prior to 1967 The gyp stack is a phosphogypsum settling pond	Reasonable control of fugitive emissions
2	125-acre West Gyp Stack I, F-GYP-1 The gyp stack is a phosphogypsum settling pond	Reasonable control of fugitive emissions
2	125-acre West Gyp Stack II, F-GYP-2 The gyp stack is a phosphogypsum settling pond	Reasonable control of fugitive emissions

**AIR QUALITY PERMIT TO CONSTRUCT NUMBER: P-2009.0002****Permittee:** Nu-West Industries, Agrium**Location:** Soda Springs, Idaho**Facility ID No. 029-00003****2. GYP STACKS****2.1 Process Description**

Phosphogypsum, a by-product of the phosphoric acid production process, is slurried to a pile referred to as a "gyp stack." The slurry is approximately 20% solids. At the gyp stack, solids in the slurry are allowed to settle and the water is decanted to an evaporative cooling pond. The process water is recycled to the processing plant.

The settled phosphogypsum is allowed to dry to a moisture content of about 40% by directing the slurry to a rotation of cells on the stack. When a cell has dried appropriately, the cell is excavated using a backhoe to build up the exterior dikes of the stack. When the interior of the cell is excavated and dikes are elevated to the necessary height, the cell is flooded with slurry again.

**2.2 Emissions Control Description****Table 2.1 DESCRIPTION FOR WEST GYP STACKS**

Emissions Units / Processes	Emissions Control Device	Emissions Point
125-acre Gyp Stack, F-GYP-0	Reasonable control of fugitive emissions	Fugitive from gyp stack
125-acre West Gyp Stack I, F-GYP-1	Reasonable control of fugitive emissions	Fugitive from gyp stack
125-acre West Gyp Stack II, F-GYP-2	Reasonable control of fugitive emissions	Fugitive from gyp stack

***Emissions Limits*****2.3 Gyp Stack Emissions Limits**

- 2.3.1 Upon completion of construction of F-GYP-2, the combined emissions of fluoride (F) from the three 125-acre gypsum stacks (F-GYP-0, F-GYP-1, and F-GYP-2) shall not exceed 200 pounds per day and 14.6 tons per any consecutive rolling 12-month period.
- 2.3.2 Prior to completion of construction of F-GYP-2, the combined emissions of fluoride (F) from the two 125-acre gypsum stacks (F-GYP-0 and F-GYP-1) shall not exceed 200 pounds per day and 36.5 tons per any consecutive rolling 12-month period. After construction of F-GYP-2 is completed, Permit Condition 2.3.2 no longer applies.
- 2.3.3 For purposes of compliance with Permit Conditions 2.3, 2.7, and 2.10, construction of the new gypsum stack (F-GYP-2) shall include placement of at least two feet of compacted phosphogypsum atop the 60 mil HDPE composite liner membrane and compacted clay to ensure adequate liner integrity. At that point, process water will be introduced and when fully displaced by gypsum slurry in both cells, the construction process shall be deemed complete.

**[02/20/09]**

**AIR QUALITY PERMIT TO CONSTRUCT NUMBER: P-2009.0002**

**Permittee:** Nu-West Industries, Agrium

**Location:** Soda Springs, Idaho

**Facility ID No. 029-00003**

**2.4 Phosphoric Acid Plant Emissions Limit**

The fluoride emissions from the phosphoric acid plant shall not exceed 3.8 tons per any consecutive 12-month period.

[12/19/07]

**2.5 Reasonable Control of Fugitive Dust**

All reasonable precautions shall be taken to prevent PM from becoming airborne in accordance with IDAPA 58.01.01.650-651.

**2.6 Radon Emissions from Phosphogypsum Stacks**

Each person who generates phosphogypsum shall place all phosphogypsum in stacks. Phosphogypsum may be removed from a phosphogypsum stack only as expressly provided by 40 CFR 61, Subpart R, National Emission Standards for Radon Emissions from Phosphogypsum Stacks. If the gypsum stack becomes classified as inactive, the stack is then subject to the radon-222 emissions limits (1.9 pCi/(ft<sup>2</sup>-sec)) and related requirements in 40 CFR 61 Subpart R. *Inactive stack* means a stack to which no further routine additions of phosphogypsum will be made and which is no longer used for water management associated with the production of phosphogypsum. If a stack has not been used for either purpose for two years, it is presumed to be inactive.

**Operating Requirements**

**2.7 Gyp Stack Area Limits**

2.7.1 Upon completion of construction of F-GYP-2, the combined visible liquid layer surface area of the ponds within the three 125-acre gyp stacks (F-GYP-0, F-GYP-1, and F-GYP-2) shall not exceed 50 acres on a 12-month rolling average basis.

2.7.2 Prior to completion of construction of F-GYP-2, the combined visible liquid layer surface area of the ponds within the two 125-acre gyp stacks (F-GYP-0 and F-GYP-1) shall not exceed 125 acres. After construction of F-GYP-2 is completed, Permit Condition 2.7.2 no longer applies.

[02/20/09]

**2.8 Distribution and Use of Phosphogypsum**

Phosphogypsum may be lawfully removed from a stack and distributed for use in outdoor agricultural research and development, agricultural field use, indoor research and development activities, or for other purposes, only in accordance with the requirements of 40 CFR 61 Subpart R.

**2.9 Phosphoric Acid Plant P<sub>2</sub>O<sub>5</sub> Throughput Limit**

The equivalent P<sub>2</sub>O<sub>5</sub> feed to the phosphoric acid plant shall not exceed 560,000 tons per any consecutive 12-month period.

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<b>Permittee:</b>	Nu-West Industries, Agrium	<b>Facility ID No. 029-00003</b>
<b>Location:</b>	Soda Springs, Idaho	

***Monitoring and Recordkeeping Requirements***

**2.10 Gyp Stack Area Monitoring**

- 2.10.1 Upon completion of construction of F-GYP-2, on a twice-monthly basis (the first and third full calendar week of each month), Nu-West shall measure and record, in acres, the combined visible liquid layer surface area of each of the ponds within the three 125-acre gyp stacks. Monitoring and recordkeeping procedures for performing this measurement shall be included in a Water Management and Monitoring Plan. For purposes of demonstrating compliance using the approved Water Management and Monitoring Plan, the term "visible liquid layer area," as used in Permit Condition 2.7, shall mean that observable surface area that is covered with a visible layer of liquid (standing or flowing) within the Gyp Stack system ponds. The Water Management and Monitoring Plan is incorporated by reference into this permit and shall be maintained on-site and made available to DEQ representatives upon request.

Compliance with the 50-acre limit in Permit Condition 2.7 shall be based on a rolling 12-month average of the twice-monthly observations.

Compliance with the daily emission limit in Permit Condition 2.3 shall be demonstrated based on each of the individual observations. Monitoring records that are generated to demonstrate compliance with the daily limit shall also be maintained in accordance with General Provision 7.

- 2.10.2 Prior to completion of construction of F-GYP-2, once per year the permittee shall measure and record, in acres, the combined visible liquid layer surface area of each of the ponds within the two 125-acre gyp stacks (F-GYP-0 and F-GYP-1). After construction of F-GYP-2 is completed, Permit Condition 2.10.2 no longer applies.
- 2.10.3 Within 60 days of issuance of the permit, the permittee shall submit a copy of the Water Management and Monitoring Plan (Plan) to DEQ at the address listed in Table 2.2 of this permit. If the Plan is changed, a copy of the revised Plan shall be sent to DEQ.

[02/20/09]

**2.11 NSR Projected Emissions Records for the Gypsum Stack Project; 52.21(r)(6)**

The permittee shall maintain records and provide reports as follows for the project to construct a new gypsum stack in accordance with IDAPA 58.01.01.205.01 [40 CFR 52.21(r)(6) and (7)]:

- 2.11.1 In accordance with 40 CFR 52.21(r)(6)(i), before beginning actual construction of the project, the owner or operator shall document and maintain a record of the following information:
- (a) A description of the project;
  - (b) Identification of the emissions unit(s) whose emissions of a regulated NSR pollutant could be affected by the project (i.e., gypsum stacks); and
  - (c) A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under 40 CFR 52.21(b)(41)(ii)(c) and an explanation for why such amount was excluded, and any netting calculations, if applicable.
- 2.11.2 In accordance with 40 CFR 52.21(r)(6)(iii), the owner or operator shall monitor the emissions of fluoride from the emissions units listed in Permit Condition 2.11.1; and calculate and maintain a record of the

**AIR QUALITY PERMIT TO CONSTRUCT NUMBER: P-2009.0002**

**Permittee:** Nu-West Industries, Agrium

**Location:** Soda Springs, Idaho

**Facility ID No. 029-00003**

annual emissions, in tons per year on a calendar year basis, for a period of 10 years following resumption of regular operations after the change.

- 2.11.3 In accordance with 40 CFR 52.21(r)(6)(v), the owner or operator shall submit a report to DEQ and the EPA Administrator if the annual emissions, in tons per year, from the project identified under Permit Condition 2.11.1, exceed the baseline actual emissions (as documented and maintained pursuant to Permit Condition 2.11.1(c)), by a significant amount (as defined in 40 CFR 52.21(b)(23)) for that regulated NSR pollutant, and if such emissions differ from the preconstruction projection as documented and maintained pursuant to Permit Condition 2.11.1(c). Such report shall be submitted to DEQ and the EPA Administrator within 60 days after the end of such year. The report shall contain the following:
- (a) The name, address and telephone number of the major stationary source;
  - (b) The annual emissions as calculated pursuant to 40 CFR 52.21(r)(6)(iii); and
  - (c) Any other information that the owner or operator wishes to include in the report (e.g., an explanation as to why the emissions differ from the preconstruction projection).
- 2.11.4 In accordance with 40 CFR 52.21(r)(7), the owner or operator of the source shall make the information required to be documented and maintained pursuant to 40 CFR 52.21(r)(6) available for review upon a request for inspection by the Administrator or the general public pursuant to the requirements contained in 40 CFR 70.4(b)(3)(viii).
- 2.11.5 Written procedures to demonstrate compliance with Permit Condition 2.11 shall be included in the Water Management and Monitoring Plan, including the required records maintenance activities.

**[02/20/09]**

**2.12 Radon Monitoring and Compliance Procedures**

Within 60 days following the date on which a stack becomes an inactive stack, each owner or operator of an inactive phosphogypsum stack shall test the stack for radon-222 flux in accordance with the procedures described in 40 CFR part 61, Appendix B, Method 115. DEQ and EPA shall be notified at least 30 days prior to each such emissions test so that DEQ or the EPA may, at its option, observe the test. The test report shall be submitted according to the requirements in 40 CFR 61.203.

**2.13 Phosphoric Acid Plant Feed**

Each month, the permittee shall monitor and record the equivalent  $P_2O_5$  feed to the phosphoric acid plant for the previous month and for the previous consecutive 12-month period. Monitoring of  $P_2O_5$  feed shall be conducted in accordance with 40 CFR 63.605.

**[12/19/07]**

***NESHAP 40 CFR 61 Subpart A – General Provisions***

- 2.14 Generally applicable reporting, record keeping, and notification requirements of Subpart A of the National Emission Standards for Hazardous Air Pollutants (NESHAP, 40 CFR 61) are included in Table 2.2. These summaries are provided to highlight the notification and record keeping requirements of 40 CFR 61 for affected facilities, and are not intended to be a comprehensive listing of all general provision requirements that may apply nor do the summaries relieve the permittee from the responsibility to comply with all applicable requirements of the CFR. Should there be a conflict between these

# AIR QUALITY PERMIT TO CONSTRUCT NUMBER: P-2009.0002

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<b>Location:</b>	Soda Springs, Idaho	

summaries and the NESHAP, the NESHAP shall govern. The permittee is encouraged to read all of 40 CFR 61 Subpart A. The CFRs are available online at: <http://www.gpoaccess.gov/cfr/index.html> .

**Table 2.2 NESHAP SUBPART A (40 CFR 61) SUMMARY OF GENERAL PROVISIONS FOR AFFECTED FACILITIES**

Section	Section Title	Summary of Section
61.04	Address	All requests, reports, applications, and other communications shall be submitted to: <div style="display: flex; justify-content: space-between;"> <div>                     Director Air and Waste Office                      EPA Region 10                      Operating Permits, OAQ-107                      1200 Sixth Avenue                      Seattle, WA 98101                 </div> <div>                     Air Quality Permit Compliance                      Department of Environmental Quality Air                      Pocatello Regional Office                      444 Hospital Way, #300                      Pocatello, ID 83201                 </div> </div>
61.05	Prohibited Activities	No owner or operator shall construct or modify any stationary source subject to a standard without first obtaining written approval in accordance with 40 CFR 61.08
61.07	Application for approval of construction/modification	Submit application for approval of construction of any new source or modification of an existing source before the construction or modification is planned to commence.
61.09	Notification of startup	Notification of anticipated date of initial startup of the source not more than 60 days nor less than 30 days before that date; and notification of the actual date of initial startup of the source within 15 days after that date.
61.10	Source reporting	All facilities designated under Subpart R are exempt from the reporting requirements of 40 CFR 61.10 in accordance with 40 CFR 61.210.
61.12(c) and (e)	Compliance with standards and maintenance requirements	The owner or operator of each stationary source shall maintain and operate the source, including associated equipment for air pollution control, in a manner consistent with good air pollution control practice for minimizing emissions.  For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard in this part, nothing in this part shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test had been performed.
61.13	Emission tests	When emission testing is required under Subpart R, the requirements under 40 CFR 61.13 shall be complied with also.
61.14	Monitoring Requirements	For any monitoring required under Subpart R, the requirements under 40 CFR 61.14 shall be complied with also
61.19	Circumvention	No owner or operator shall build, erect, install or use any article or method, including dilution, to conceal an emission which would otherwise constitute a violation.

[02/20/09]

**AIR QUALITY PERMIT TO CONSTRUCT NUMBER: P-2009.0002**

<b>Permittee:</b>	Nu-West Industries, Agrium	<b>Facility ID No. 029-00003</b>
<b>Location:</b>	Soda Springs, Idaho	

**3. PERMIT TO CONSTRUCT GENERAL PROVISIONS**

***General Compliance***

1. The permittee has a continuing duty to comply with all terms and conditions of this permit. All emissions authorized herein shall be consistent with the terms and conditions of this permit and the Rules for the Control of Air Pollution in Idaho. The emissions of any pollutant in excess of the limitations specified herein, or noncompliance with any other condition or limitation contained in this permit, shall constitute a violation of this permit and the Rules for the Control of Air Pollution in Idaho, and the Environmental Protection and Health Act, Idaho Code §39-101, et seq.

**[Idaho Code §39-101, et seq.]**

2. The permittee shall at all times (except as provided in the Rules for the Control of Air Pollution in Idaho) maintain in good working order and operate as efficiently as practicable, all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable Idaho laws for the control of air pollution.

**[IDAPA 58.01.01.211, 5/1/94]**

3. Nothing in this permit is intended to relieve or exempt the permittee from the responsibility to comply with all applicable local, state, or federal statutes, rules and regulations.

**[IDAPA 58.01.01.212.01, 5/1/94]**

***Inspection and Entry***

4. Upon presentation of credentials, the permittee shall allow DEQ or an authorized representative of DEQ to do the following:
  - a. Enter upon the permittee's premises where an emissions source is located or emissions related activity is conducted, or where records are kept under conditions of this permit;
  - b. Have access to and copy, at reasonable times, any records that are kept under the conditions of this permit;
  - c. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and
  - d. As authorized by the Idaho Environmental Protection and Health Act, sample or monitor, at reasonable times, substances or parameters for the purpose of determining or ensuring compliance with this permit or applicable requirements.

**[Idaho Code §39-108]**

***Construction and Operation Notification***

5. The permittee shall furnish DEQ written notifications as follows in accordance with IDAPA 58.01.01.211:
  - a. A notification of the date of initiation of construction, within five working days after occurrence;
  - b. A notification of the date of any suspension of construction, if such suspension lasts for one year or more;

## AIR QUALITY PERMIT TO CONSTRUCT NUMBER: P-2009.0002

<b>Permittee:</b>	Nu-West Industries, Agrium	<b>Facility ID No. 029-00003</b>
<b>Location:</b>	Soda Springs, Idaho	

- c. A notification of the anticipated date of initial start-up of the stationary source or facility not more than sixty days or less than thirty days prior to such date;
- d. A notification of the actual date of initial start-up of the stationary source or facility within fifteen days after such date; and
- e. A notification of the initial date of achieving the maximum production rate, within five working days after occurrence - production rate and date.

[IDAPA 58.01.01.211, 5/1/94]

### ***Performance Testing***

6. If performance testing (air emissions source test) is required by this permit, the permittee shall provide notice of intent to test to DEQ at least 15 days prior to the scheduled test date or shorter time period as approved by DEQ. DEQ may, at its option, have an observer present at any emissions tests conducted on a source. DEQ requests that such testing not be performed on weekends or state holidays.

All performance testing shall be conducted in accordance with the procedures in IDAPA 58.01.01.157. Without prior DEQ approval, any alternative testing is conducted solely at the permittee's risk. If the permittee fails to obtain prior written approval by DEQ for any testing deviations, DEQ may determine that the testing does not satisfy the testing requirements. Therefore, at least 30 days prior to conducting any performance test, the permittee is encouraged to submit a performance test protocol to DEQ for approval. The written protocol shall include a description of the test method(s) to be used, an explanation of any or unusual circumstances regarding the proposed test, and the proposed test schedule for conducting and reporting the test.

Within 30 days following the date in which a performance test required by this permit is concluded, the permittee shall submit to DEQ a performance test report. The written report shall include a description of the process, identification of the test method(s) used, equipment used, all process operating data collected during the test period, and test results, as well as raw test data and associated documentation, including any approved test protocol.

[IDAPA 58.01.01.157, 4/5/00]

### ***Monitoring and Recordkeeping***

7. The permittee shall maintain sufficient records to ensure compliance with all of the terms and conditions of this permit. Records of monitoring information shall include, but not be limited to the following: (a) the date, place, and times of sampling or measurements; (b) the date analyses were performed; (c) the company or entity that performed the analyses; (d) the analytical techniques or methods used; (e) the results of such analyses; and (f) the operating conditions existing at the time of sampling or measurement. All monitoring records and support information shall be retained for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Supporting information includes, but is not limited to, all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation and copies of all reports required by this permit. All records required to be maintained by this permit shall be made available in either hard copy or electronic format to DEQ representatives upon request.

[IDAPA 58.01.01.211, 5/1/94]

**AIR QUALITY PERMIT TO CONSTRUCT NUMBER: P-2009.0002**

<b>Permittee:</b>	Nu-West Industries, Agrium	<b>Facility ID No. 029-00003</b>
<b>Location:</b>	Soda Springs, Idaho	

***Excess Emissions***

8. The permittee shall comply with the procedures and requirements of IDAPA 58.01.01.130-136 for excess emissions due to startup, shutdown, scheduled maintenance, safety measures, upsets and breakdowns.

**[IDAPA 58.01.01.130-136, 4/5/00]**

***Certification***

9. All documents submitted to DEQ, including but not limited to, records, monitoring data, supporting information, requests for confidential treatment, testing reports, or compliance certification shall contain a certification by a responsible official. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document(s) are true, accurate, and complete.

**[IDAPA 58.01.01.123, 5/1/94]**

***False Statements***

10. No person shall knowingly make any false statement, representation, or certification in any form, notice, or report required under this permit, or any applicable rule or order in force pursuant thereto.

**[IDAPA 58.01.01.125, 3/23/98]**

***Tampering***

11. No person shall knowingly render inaccurate any monitoring device or method required under this permit or any applicable rule or order in force pursuant thereto.

**[IDAPA 58.01.01.126, 3/23/98]**

***Transferability***

12. This permit is transferable in accordance with procedures listed in IDAPA 58.01.01.209.06.

**[IDAPA 58.01.01.209.06, 4/11/06]**

***Severability***

13. The provisions of this permit are severable, and if any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

**[IDAPA 58.01.01.322.15.h, 5/1/94; 40 CFR 70.6(a)(5)]**

## NU-WEST CPO GYPSUM STACK WATER MANAGEMENT AND MONITORING PLAN

### 1.0 Gypsum Stack Operating Pond Water Area

Total gypsum stack system pond water coverage surface area can not exceed 50 acres of visible liquid layer (standing or flowing) on an annualized rolling average basis. To accomplish and document this requirement, the pond engineer, or his designee, or B Operators will perform checks on each pond cell and report the findings with the inspection checklist on the schedule described below. The inspection checklist will also include an observation for compliance with the daily limit of 200 lb/day fluoride emissions. Critical trigger levels will be established to notify management and provide for specific actions to insure that the stack ponds remain in compliance.

### 2.0 General Water Area Methodology

A survey of each cell of the gypsum stack system will be provided to the operator along with a form to assist in estimating the area of each cell in the gypsum stack and the associated pond visible liquid surface area.

Flags will be installed at roughly the midpoint of each dike as shown on the attached prints. The operator will look from the flag on the dike he is standing on to the opposite side of the pond and determine how much of each quadrant of the pond cell is covered with visible liquid. The operator will be able to do this along the north-south and the east-west centerline. The monitoring task consists first of generating a sketch of the visible liquid area in each quadrant of the pond using a gridded depiction of squares (10 x 10) of the quadrant. The operator will perform the following steps:

1. Sketch the observations of visible liquid area in each quadrant from both directions onto the same 10 X 10 grid.
2. Add up the number of squares that contain visible liquid. Coverage of partial squares may be used.
3. From the observations in both directions the observer will tabulate the total number of squares as a percent for each quadrant.
4. Multiply the total percent times the total acreage of the quadrant.
5. Generate an observed total acreage that is covered with a visible liquid layer.
6. The monitor will generate the same information for all quadrants of all stacks that have visible liquid layer, and will note which quadrants of any cell that do not contain a visible liquid layer at the time of observation.
7. These sketches and calculated values, as well as the notations regarding quadrants with no visible liquid layer, form the basis of records maintained for compliance.
8. A summary form will be completed for each observation tabulating the acreage in each quadrant and the total acreage covered with visible liquid. This summary form includes calculations of the surface area of each quadrant in each pond.

9. Observations are made twice per month, each during a single calendar day, with one observation on any day during the first full calendar week of each month and the second observation during the third full week of each month. Together these two weeks comprise a monthly observation that is used to determine the rolling 12-month total.
10. The monthly average values are entered into a second record that maintains a running 12-month average observation, with the running 12-month total, for each observation. This record may be maintained electronically, and is the basis for demonstrating compliance with the 50-acre allowable 12-month rolling average limit.

All observations and records of the worksheets and summary page will be turned in with the inspection sheets and kept on file as required by the training section of the Operations Plan document.

Gypsum pond #1 currently has a surface area of 40 acres. Flags located at the midpoint of each dike result in the quarters of the pond cell consisting of 11.5 acres in the NE, 13.5 acres in the NW, 8 in the SE and, 7 in the SW quadrants. The aerial picture provided for this cell will quickly allow the operator to estimate the visible liquid layer coverage in this cell.

Gypsum pond #2/3 currently has a surface area of 43 acres. Flags located at the midpoint of each dike result in the quarters of the pond cell consisting of 11.5 acres in the NE, 11.5 acres in the NW, 8.5 acres in the SE and 11.5 acres in the SW quadrants. The aerial picture provided for this cell will quickly allow the operator to estimate the coverage in this cell.

Gypsum pond #3 currently has a surface area of 40 acres. Flags located at the midpoint of each dike result in the quarters of the pond cell consisting of 8.5 acres in the NE, 10.5 acres in the NW, 10.5 acres in the SE and 10.5 acres in the SW quadrants. The aerial picture provided for this cell will quickly allow the operator to estimate the coverage in this cell.

The Phase 1 gypsum pond cell currently has a surface area of 102 acres. Flags located at the midpoint of each dike result in the quarters of the pond cell consisting of 25 acres in the NE, 25 acres in the NW, 27 acres in the SW and 25 acres in the SE quadrants. The aerial picture provided for this cell will quickly allow the operator to estimate the coverage in this cell.

## 3.0 Reporting and Risk Matrix

A risk matrix will be produced to provide for action to prevent exceeding permitted visible liquid layer surface area before the situation becomes critical. The matrix will include the following action at the designated overall pond system trigger levels:

TRIGGER LEVEL	NOTIFICATION	SPECIFIC ACTION TO BE TAKEN
35 Acres	Pond Engineer Shift Supervisor  Area Superintendent	Evaluate cells not in service and drain/pump to reduce the visible liquid surface acreage if possible. Evaluate siphon capacity and add to or clean as appropriate.
40 Acres	Pond Engineer Shift Supervisor Area Superintendent Plant Manager Risk Manager Environmental Specialist	Pump/siphon water from stack, reduce water being sent to the stack in the gypsum slurry. Add additional siphon capacity.
45 acres	Pond Engineer Shift Supervisor Area Superintendent Plant Manager Risk Manager Environmental Specialist	Consider cutting rates in plant until sufficient water can be removed from the stack.

Records of these activities will be kept with the twice-monthly observations as a separate file. If there are activities to reduce or adjust the visible liquid layer area size in each stack, the operator may take additional observations and adjust the monthly average values calculated in Section 2.0 step 9 above, using a time-weighted average of the observations for that calendar month.

## 4.0 Annual Recordkeeping and Reporting

Nu-West will calculate and summarize the monitoring activities on an annual basis to demonstrate compliance with 40 CFR 52.21(r)(6)(iii) as follows.

1. Before beginning actual construction of the project develop and maintain records of the following items, as specified in § 52.21(r)(6)(i):
  - a. A description of the project,
  - b. Identification of the affected emission units (the Gyp Stack system) and emissions (fluoride), and
  - c. A documented description of the applicability test used to determine that the modifications to the Gyp Stack do not constitute a major modification.
2. On an annual calendar year basis (unless modified in concurrence with DEQ) following the completion of construction of F-GYP-23 calculate the total annual emissions from the monthly records developed in Section 4.2 above, and maintain records of the annual emissions in ton/year of fluoride emissions from the Gyp Stack system for a period of 10 years.
3. If the annual emissions of fluorides from the Gyp Stack system exceed the baseline emissions determined in 4.0(1)(c) above by a significant amount (3 TPY fluorides per § 52.21(b)(23)) and if the emissions exceed the preconstruction projection (i.e., 14.6 TPY rolling 12-month average), Nu-West will submit a report to DEQ within 60 days of the end of the calendar year, as specified in § 52.21(r)(6)(v), including items (a) through (c) of that paragraph.
4. Unless otherwise specified the annual period for this requirement is a calendar year from January 1 through December 31 of each year, and the report, if any shall be submitted within 60 days of the end of that calendar year (by February 28 of the following calendar year).

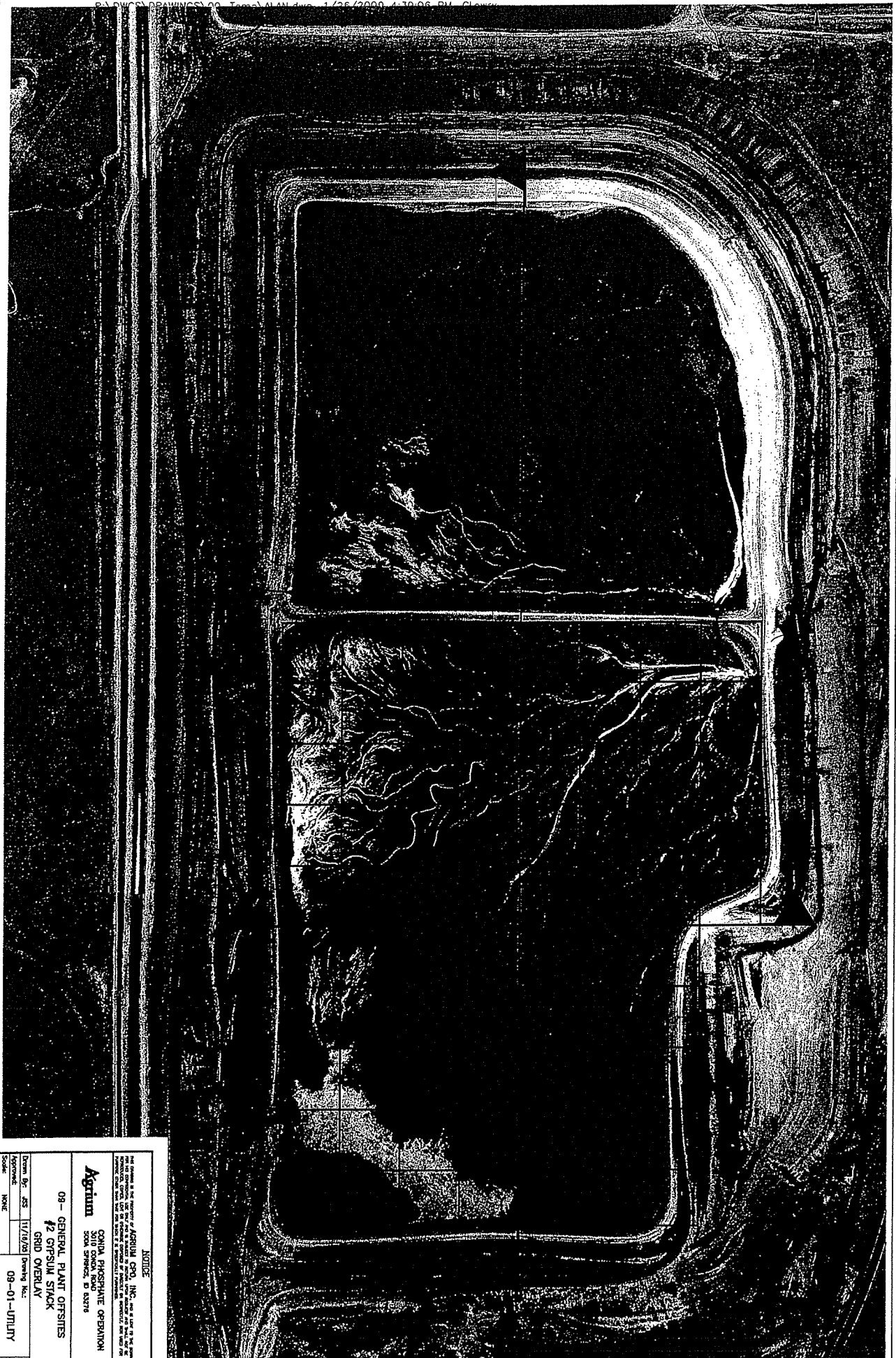
## 5.0 Auditing and Reporting

The pond engineer, or his designee, will check daily reports in the field, at least weekly, to confirm that the operators are sufficiently trained in providing daily estimates of visible liquid layer coverage of the stacks. Acreage estimates on the prints and in this Water Management and Monitoring Plan must be updated at the end of each construction season for any cell that has changed during the year (maximum pond surface area tends to reduce over time as stack height increases).

A log will be kept of the pond visible liquid layer coverage of the stack system with twice-monthly updates added to the log and utilized for demonstrating compliance with permitted acreage limits. This log book will be kept on site.

A quarterly memorandum will be provided by the pond engineer to the environmental specialist and risk manager summarizing the quarterly activities and current visible liquid layer status of the stack.





**NOTICE**

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**Agrium**  
CONDA PHOSPHATE OPERATION  
2000 STATION, P. 0373

09 - GENERAL PLANT OFFSITES  
#2 OPS/SUM SLICK  
GRID OVERLAY

Drawn By: JSS 11/16/09 Drawing No.:

Scale: NONE 09-01-UTILITY

Project No. 1 Sheet of 1



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<b>Agrium</b>			
CONIDA PHOSPHATE OPERATION			
SOPA SITE, ID 00776			
09 - GENERAL PLANT OPTISITES			
#3 GPS/UM STACK			
GRID OVERLAY			
Drawn By:	SSS	11/19/03	Drawing No:
Scale:	NONE		09-01-UTILITY
Project No:		Sheet	1 of 1



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<b>Agrium</b>			
09 - GENERAL PLANT OFFSITES			
NEW GYPSIUM STACK			
GRID OVERLAY			
3010 DOWEN ROAD			
SIOUX SPRINGS, SD 57107			
Drawn By:	JSS	11/1/00	Drawn For:
Approved:	HWK		
Scale:	09-01-UTILITY		
Project No.:	1		



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

RECEIVED

JUN 23 2005

DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE A Q PROGRAM

1410 North Hilton • Boise, Idaho 83706-1255 • (208) 373-0502

Dirk Kempthorne, Governor  
Toni Hardesty, Director

July 22, 2005

**Certified Mail No. 7005 0390 0003 2968 9881**

Mr. Charles Ross  
General Manager  
Agrium Conda Phosphate Operations  
3010 Conda Road  
Soda Springs, ID 83276

RE: Facility ID No. 029-00003, Nu-West Industries, Inc.; d.b.a. Agrium Conda Phosphate Operations, Soda Springs Final Permit Letter

Dear Mr. Ross:

The Idaho Department of Environmental Quality (DEQ) is issuing Permit to Construct (PTC) Number P-050312 for construction of the new west phosphogypsum stack, in accordance with IDAPA 58.01.01.200 through 228 (Rules for the Control of Air Pollution in Idaho).

This permit is based on your permit application received on May 2, 2005. This permit is effective immediately. This permit does not release Agrium Conda Phosphate Operations from compliance with all other applicable federal, state, or local laws, regulations, permits, or ordinances.

A representative of the Pocatello Regional Office will contact you regarding a meeting with DEQ to discuss the permit terms and requirements. DEQ recommends the following representatives attend the meeting: your facility's plant manager, responsible official, environmental contact, and any operations staff responsible for day-to-day compliance with permit conditions.

Pursuant to IDAPA 58.01.23, you, as well as any other entity, may have the right to appeal this final agency action within 35 days of the date of this decision. However, prior to filing a petition for a contested case, I encourage you to call Dan Pitman at (208) 373-0502 to address any questions or concerns you may have with the enclosed permit.

Sincerely,

Martin Bauer, Administrator  
Air Quality Division

MB/ZK/sd  
Enclosures

Permit No. P-050312

NUW 004340

bc:     Pete Wagner, Boise Regional Office  
          Zach Klotovich, Permit Writer  
          Dan Pitman, Permit Coordinator  
          Marilyn Seymore/ Pat Rayne, Air Quality Division  
          Laurie Kral, US EPA Region 10  
          Joan Lechtenberg, Public Comment  
          Permit Binder  
          Source File  
          Phyllis Heitman (Ltr Only)  
          Reading File (Ltr Only)



**Air Quality**  
**PERMIT TO CONSTRUCT**  
**State of Idaho**  
**Department of Environmental Quality**

**PERMIT No.:** P-050312

**FACILITY ID No.:** 029-00003

**AQCR:** 61

**CLASS:** A

**SIC:** 2874

**ZONE:** 12

**UTM COORDINATE (km):** 455.8, 4731.8

**1. PERMITTEE**

Nu-West Industries, Inc; Agrium Conda Phosphate Operations

**2. PROJECT**

West Gyp Stack

**3. MAILING ADDRESS**

3010 Conda Road

**CITY**

Soda Springs

**STATE**

ID

**ZIP**

83276

**4. FACILITY CONTACT**

Monty Johnson

**TITLE**

Environmental Manager

**TELEPHONE**

(208) 547-4381 ext. 263

**5. RESPONSIBLE OFFICIAL**

Charles H. Ross

**TITLE**

General Manager

**TELEPHONE**

(208) 547-4381

**6. EXACT PLANT LOCATION**

7 miles north of Soda Springs, 1.2 miles east of Highway 34

**COUNTY**

Caribou

**7. GENERAL NATURE OF BUSINESS & KINDS OF PRODUCTS**

Phosphate-based fertilizer products

**8. GENERAL CONDITIONS**

This permit is issued according to IDAPA 58.01.01.200, Rules for the Control of Air Pollution in Idaho, and pertains only to emissions of air contaminants regulated by the state of Idaho and to the sources specifically allowed to be constructed or modified by this permit.

This permit (a) does not affect the title of the premises upon which the equipment is to be located; (b) does not release the permittee from any liability for any loss due to damage to person or property caused by, resulting from, or arising out of the design, installation, maintenance, or operation of the proposed equipment; (c) does not release the permittee from compliance with other applicable federal, state, tribal, or local laws, regulations, or ordinances; (d) in no manner implies or suggests that the Department of Environmental Quality (DEQ) or its officers, agents, or employees, assume any liability, directly or indirectly, for any loss due to damage to person or property caused by, resulting from, or arising out of design, installation, maintenance, or operation of the proposed equipment.

This permit is not transferable to another person, place, or piece or set of equipment. This permit will expire if construction has not begun within two years of its issue date or if construction is suspended for one year.

This permit has been granted on the basis of design information presented with its application. Changes of design or equipment may require DEQ approval pursuant to the Rules for the Control of Air Pollution in Idaho, IDAPA 58.01.01.200, et seq.

  
TONI HARDESTY, DIRECTOR  
DEPARTMENT OF ENVIRONMENTAL QUALITY

**DATE ISSUED:** July 22, 2005

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## **Acronyms, Units, and Chemical Nomenclature**

<b>AFS</b>	<b>AIRS Facility Subsystem</b>
<b>AIRS</b>	<b>Aerometric Information Retrieval System</b>
<b>AQCR</b>	<b>Air Quality Control Region</b>
<b>CAA</b>	<b>Clean Air Act</b>
<b>CFR</b>	<b>Code of Federal Regulations</b>
<b>DEQ</b>	<b>Department of Environmental Quality</b>
<b>dscf</b>	<b>dry standard cubic feet</b>
<b>EPA</b>	<b>U.S. Environmental Protection Agency</b>
<b>gpm</b>	<b>gallons per minute</b>
<b>HAPs</b>	<b>hazardous air pollutants</b>
<b>IDAPA</b>	<b>a numbering designation for all administrative rules in Idaho promulgated in accordance with the Idaho Administrative Procedures Act</b>
<b>lb/hr</b>	<b>pound per hour</b>
<b>MMBtu</b>	<b>million British thermal units</b>
<b>NESHAP</b>	<b>Nation Emission Standards for Hazardous Air Pollutants</b>
<b>NSPS</b>	<b>New Source Performance Standards</b>
<b>PM</b>	<b>particulate matter</b>
<b>PM<sub>10</sub></b>	<b>particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers</b>
<b>PTC</b>	<b>permit to construct</b>
<b>PTE</b>	<b>potential to emit</b>
<b>scf</b>	<b>standard cubic feet</b>
<b>SIC</b>	<b>Standard Industrial Classification</b>
<b>SIP</b>	<b>State Implementation Plan</b>
<b>T/yr</b>	<b>tons per year</b>
<b>UTM</b>	<b>Universal Transverse Mercator</b>

**AIR QUALITY PERMIT TO CONSTRUCT NUMBER: P-050312**

<b>Permittee:</b>	Nu-West; Agrium	<b>Facility ID No. 029-00003</b>	<b>Date Issued:</b>	July 22, 2005
<b>Location:</b>	Soda Springs, ID			

**1. PERMIT TO CONSTRUCT SCOPE*****Purpose***

- 1.1 This PTC is for the construction of a new phosphogypsum stack on the northwest corner of Agrium's facility that will be referred to as the "west gyp stack."

***Regulated Sources***

Table 1.1 lists all sources of regulated emissions in this PTC.

**Table 1.1 SUMMARY OF REGULATED SOURCES**

<b>Permit Section</b>	<b>Source Description</b>	<b>Emissions Control(s)</b>
2	West gyp stack – 125 acres The west gyp stack is a phosphogypsum settling pond	None

**AIR QUALITY PERMIT TO CONSTRUCT NUMBER: P-050312**

<b>Permittee:</b>	Nu-West, Agrium	<b>Facility ID No. 029-00003</b>	<b>Date Issued:</b>	<b>July 22, 2005</b>
<b>Location:</b>	Soda Springs, ID			

**2. WEST GYP STACK****2.1 Process Description**

Phosphogypsum, a by-product of the phosphoric acid production process, is slurried to a pile referred to as a "gyp stack." The slurry is approximately 20% solids. At the gyp stack, solids in the slurry are allowed to settle and the water is decanted to an evaporative cooling pond. The process water is recycled to the processing plant.

The settled phosphogypsum is allowed to dry to a moisture content of about 40% by directing the slurry to a rotation of cells on the stack. When a cell has dried appropriately, the cell is excavated using a backhoe to build up the exterior dikes of the stack. When the interior of the cell is excavated and dikes are elevated to the necessary height, the cell is flooded with slurry again.

**2.2 Emissions Control Description****Table 2.1 WEST GYP STACK DESCRIPTION**

<b>Emissions Unit(s) / Process(es)</b>	<b>Emissions Control Device</b>	<b>Emissions Point</b>
West gyp stack	None	Fugitive from gyp stack

**Emissions Limits****2.3 Emissions Limits**

The fluoride (F) emissions from the west gyp stack and the phosphoric acid plant shall not exceed any corresponding emissions rate limits listed in Table 2.2.

**Table 2.2 WEST GYP STACK EMISSIONS LIMITS**

<b>Source Description</b>	<b>F</b>	
	<b>lb/day</b>	<b>T/yr</b>
West gyp stack	200	36.5
Phosphoric acid plant		3.8

**2.4 Reasonable Control of Fugitive Dust**

All reasonable precautions shall be taken to prevent PM from becoming airborne in accordance with IDAPA 58.01.01.650-651.

**2.5 Radon Emissions from Phosphogypsum Stacks**

Each person who generates phosphogypsum shall place all phosphogypsum in stacks. Phosphogypsum may be removed from a phosphogypsum stack only as expressly provided by 40 CFR 61, Subpart R, National Emission Standards for Radon Emissions from Phosphogypsum Stacks. If the gypsum stack becomes classified as inactive, the stack is then subject to the radon-222 emissions limits (1.9 pCi/(ft-sec) and related requirements in 40 CFR 61 Subpart R. *Inactive stack* means a stack to which no further routine additions of phosphogypsum will be made and which is no longer used for water management associated with the production of phosphogypsum. If a stack has not been used for either purpose for two years, it is presumed to be inactive.

**AIR QUALITY PERMIT TO CONSTRUCT NUMBER: P-050312**

<b>Permittee:</b>	Nu-West; Agrium	<b>Facility ID No. 029-00003</b>	<b>Date Issued:</b>	<b>July 22, 2005</b>
<b>Location:</b>	Soda Springs, ID			

***Operating Requirements***

**2.6     Gyp Stack Area Limits**

The wetted surface area of the west gyp stack shall not exceed 125 acres.

**2.7     Distribution and Use of Phosphogypsum**

Phosphogypsum may be lawfully removed from a stack and distributed for use in outdoor agricultural research and development, agricultural field use, indoor research and development activities, or for other purposes, only in accordance with the requirements of 40 CFR 61 Subpart R.

**2.6     Phosphoric Acid Plant P<sub>2</sub>O<sub>5</sub> Throughput Limit**

The equivalent P<sub>2</sub>O<sub>5</sub> feed to the phosphoric acid plant shall not exceed 560,000 tons per any consecutive 12-month period.

***Monitoring and Recordkeeping Requirements***

**2.8     Gyp Stack Area Monitoring**

Once per year, the permittee shall measure and record, in acres, the wetted surface area of the west gyp stack.

**2.9     Radon Monitoring and Compliance Procedures**

Within 60 days following the date on which a stack becomes an inactive stack each owner or operator of an inactive phosphogypsum stack shall test the stack for radon-222 flux in accordance with the procedures described in 40 CFR part 61, Appendix B, Method 115. DEQ and EPA shall be notified at least 30 days prior to each such emissions test so that DEQ or the EPA may, at its option, observe the test. The test report shall be submitted according to the requirements in 40 CFR 61.203.

**2.10    Phosphoric Acid Plant Feed**

Each month the permittee shall monitor and record the phosphoric acid plant feed for the previous month and the phosphoric acid plant feed for the previous 12-month period.

***Reporting Requirements***

**2.10    Reporting**

All facilities designated under 40 CFR 61 Subpart R are exempt from the reporting requirements of 40 CFR 61.10.

**AIR QUALITY PERMIT TO CONSTRUCT NUMBER: P-050312**

<b>Permittee:</b>	Nu-West; Agrium	<b>Facility ID No. 029-00003</b>	<b>Date Issued:</b>	July 22, 2005
<b>Location:</b>	Soda Springs, ID			

**3. PERMIT TO CONSTRUCT GENERAL PROVISIONS**

1. The permittee has a continuing duty to comply with all terms and conditions of this permit. All emissions authorized herein shall be consistent with the terms and conditions of this permit and the Rules for the Control of Air Pollution in Idaho. The emissions of any pollutant in excess of the limitations specified herein, or noncompliance with any other condition or limitation contained in this permit, shall constitute a violation of this permit and the Rules for the Control of Air Pollution in Idaho, and the Environmental Protection and Health Act, Idaho Code §39-101, et seq.
2. The permittee shall at all times (except as provided in the Rules for the Control of Air Pollution in Idaho) maintain in good working order and operate as efficiently as practicable, all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable Idaho laws for the control of air pollution.
3. The permittee shall allow the Director, and/or the authorized representative(s), upon the presentation of credentials:
  - To enter, at reasonable times, upon the premises where an emissions source is located, or in which any records are required to be kept under the terms and conditions of this permit.
  - At reasonable times, to have access to and copy any records required to be kept under the terms and conditions of this permit, to inspect any monitoring methods required in this permit, and require stack compliance testing in conformance with IDAPA 58.01.01.157 when deemed appropriate by the Director.
4. Nothing in this permit is intended to relieve or exempt the permittee from compliance with any applicable federal, state, or local law or regulation, except as specifically provided herein.
5. The permittee shall notify DEQ, in writing, of the required information for the following events within 5 working days after occurrence:
  - Initiation of Construction - Date
  - Completion/Cessation of Construction - Date
  - Actual Production Startup - Date
  - Initial Date of Achieving Maximum Production Rate - Production Rate and Date
6. If performance testing (air emissions source test) is required by this permit, the permittee shall provide notice of intent to test to DEQ at least 15 days prior to the scheduled test date or shorter time period as approved by DEQ. DEQ may, at its option, have an observer present at any emissions tests conducted on a source. DEQ requests that such testing not be performed on weekends or state holidays.

**AIR QUALITY PERMIT TO CONSTRUCT NUMBER: P-050312**

<b>Permittee:</b>	Nu-West; Agrium	<b>Facility ID No. 029-00003</b>	<b>Date Issued:</b>	<b>July 22, 2005</b>
<b>Location:</b>	Soda Springs, ID			

All performance testing shall be conducted in accordance with the procedures in IDAPA 58.01.01.157. Without prior DEQ approval, any alternative testing is conducted solely at the permittee's risk. If the permittee fails to obtain prior written approval by DEQ for any testing deviations, DEQ may determine that the testing does not satisfy the testing requirements. Therefore, at least 30 days prior to conducting any performance test, the permittee is encouraged to submit a performance test protocol to DEQ for approval. The written protocol shall include a description of the test method(s) to be used, an explanation of any or unusual circumstances regarding the proposed test, and the proposed test schedule for conducting and reporting the test.

Within 30 days following the date in which a performance test required by this permit is concluded, the permittee shall submit to DEQ a performance test report. The written report shall include a description of the process, identification of the test method(s) used, equipment used, all process operating data collected during the test period, and test results, as well as raw test data and associated documentation, including any approved test protocol.

7. The provisions of this permit are severable, and if any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
8. In accordance with IDAPA 58.01.01.123, all documents submitted to DEQ, including, but not limited to, records, monitoring data, supporting information, requests for confidential treatment, testing reports, or compliance certification shall contain a certification by a responsible official. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document(s) are true, accurate, and complete.



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

1410 North Hilton • Boise, Idaho 83706 • (208) 373-0502

Dirk Kempthorne, Governor  
Toni Hardesty, Director

April 28, 2006

**Certified Mail No. 7005 1160 0000 1550 3437**

Charles H. Ross  
Agrium Conda Phosphate Operations  
3010 Conda Road  
Soda Springs, ID 83726

RE: Facility ID No. 029-00003, Agrium, Soda Springs  
Final PTC and Tier I Operating Permit Administrative Amendment, SPA Plant

Dear Mr. Ross:

The Department of Environmental Quality (DEQ) is issuing Final PTC No. P-040320 and amended Tier I Operating Permit No. TI-040321 for a modification to the Superphosphoric Acid Plant (SPA) at the Agrium Conda Phosphate Operations facility located near Soda Springs in accordance with IDAPA 58.01.01.209.05.c and 381, Rules for the Control of Air Pollution in Idaho. The Tier I permit has been administratively amended by DEQ as requested in your March 27, 2006, submittal. The Final PTC and the Amended Tier I permit are effective as of April 28, 2006. Please be aware these permits replace PTC No. 020-00003 issued on July 12, 2000, and Tier I Operating Permit No. TI-040308 issued on April 8, 2005, the terms and conditions of which shall no longer be in effect.

A representative of the Pocatello Regional Office will contact you regarding a meeting with DEQ to discuss the permit terms and requirements. DEQ recommends the following representatives attend the meeting: your facility's plant manager, responsible official, environmental contact, and any operations staff responsible for day-to-day compliance with permit conditions.

Pursuant to IDAPA 58.01.23, you, as well as any other entity, may have the right to appeal this final agency action within 35 days of the date of this decision. However, prior to filing a petition for a contested case, I encourage you to call Dan Pitman at the number below to address any questions or concerns you may have with the enclosed permits.

If you have questions regarding the amendment procedure or this notification, please contact Dan Pitman at (208) 373-0500 or [Daniel.Pitman@deq.idaho.gov](mailto:Daniel.Pitman@deq.idaho.gov).

Sincerely,

Martin Bauer, Administrator  
Air Quality Division

MB/DP/bf

Permit No. P-040320 and TI-040321

Enclosures

NUW 004350



**Air Quality  
TIER I OPERATING PERMIT**

**State of Idaho  
Department of Environmental  
Quality**

**PERMIT NO.:** T1-040321

**FACILITY ID NO.:** 029-00003

**AQCR:** 61      **CLASS:** A

**SIC:** 2874      **ZONE:** 12

**UTM COORDINATE (km):** 455.8, 4731.8

**1. PERMITTEE**

Nu-West Industries, Inc.; Agrium Conda Phosphate Operations

**2. PROJECT**

Tier I Operating Permit

**3. MAILING ADDRESS**

3010 Conda Road

**CITY**

Soda Springs

**STATE**

ID

**ZIP**

83276

**4. FACILITY CONTACT**

Coleman Kavanagh

**TITLE**

Environmental Supervisor

**TELEPHONE**

(208) 547-4381 ext. 263

**5. RESPONSIBLE OFFICIAL**

Charles H. Ross

**TITLE**

General Manager

**TELEPHONE**

(208) 547-4381

**6. EXACT PLANT LOCATION**

7 miles north of Soda Springs, 1.2 miles east of Highway 34

**COUNTY**

Caribou

**7. GENERAL NATURE OF BUSINESS & KINDS OF PRODUCTS**

Phosphate-based fertilizer products

**8. PERMIT AUTHORITY**

This Tier I operating permit is issued pursuant to Idaho Code §39-115 and the Rules for the Control of Air Pollution in Idaho, IDAPA 58.01.01.300 through 386. The permittee shall comply with the terms and conditions of this permit.

This permit incorporates all applicable terms and conditions of prior air quality permits issued by the Department of Environmental Quality (DEQ) for the permitted source, unless the permittee emits toxic pollutants subject to State-only requirements pursuant to IDAPA 58.01.01.210, and the permittee elects not to incorporate those terms and conditions into this operating permit.

The effective date of this permit is the date of signature by the DEQ on the cover page.

  
**TONI HARDESTY, DIRECTOR**  
DEPARTMENT OF ENVIRONMENTAL QUALITY

<b>DATE ISSUED:</b>	October 28, 2002
<b>DATE MODIFIED/AMENDED</b>	April 28, 2006
<b>DATE EXPIRES:</b>	October 28, 2006

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## Acronyms, Units, And Chemical Nomenclature

AIRS	Aerometric Information Retrieval System
AQCR	Air Quality Control Region
ASTM	American Society of Testing and Materials
CFR	Code of Federal Regulations
CO	carbon monoxide
DEQ	Department Environmental Quality
dscf	dry standard cubic feet
EPA	U.S. Environmental Protection Agency
gpm	gallons per minute
gr	grain (1 lb = 7,000 grains)
gr/dscf	grains per dry standard cubic foot
HAPs	hazardous air pollutants
IDAPA	a numbering designation for all administrative rules in Idaho promulgated in accordance with the Idaho Administrative Procedures Act
km	kilometer
lb/hr	pound per hour
MACT	Maximum Available Control Technology
MMBtu/hr	million British thermal units per hour
NESHAP	Nation Emission Standards for Hazardous Air Pollutants
NO <sub>x</sub>	nitrogen oxides
NSPS	New Source Performance Standards
O&M	operations and maintenance
P <sub>2</sub> O <sub>5</sub>	phosphorous pentoxide
PM	particulate matter
PM <sub>10</sub>	particulate matter with an aerodynamic diameter of 10 micrometers or less
ppm	parts per million
PTC	permit to construct
PW	process weight
RMP	Risk Management Plan
SIC	Standard Industrial Classification
scf	standard cubic feet
SIP	State Implementation Plan
SO <sub>2</sub>	sulfur dioxide
T/yr	tons per year
U.S.C.	United States Code
VOC	volatile organic compound

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**TIER I OPERATING PERMIT SCOPE**

**Purpose**

- A.1 This Tier I operating permit establishes facility-wide requirements in accordance with the Idaho State Implementation Plan control strategy and the Rules.
- A.2 This Tier I permit incorporates the following permit(s):
- PTC No. 029-00003, issued July 7, 1995
  - PTC No. 029-00003, issued August 14, 1996
  - PTC No. P-040307, issued December 10, 2004
  - PTC No. P-040320, issued April 28, 2006
- A.3 This Tier I ~~renewal/modification/revision/amendment~~ supersedes the following permit(s):
- Tier I No. T1-040308, issued April 8, 2005

**Regulated Sources**

- A.4 Table A.1 lists all sources of emissions regulated in this Tier I operating permit.

**Table A.1 REGULATED SOURCES**

Permit Section	Source Description	Emissions Control(s)
2	Granulation Plant	A-Fa-1a Venturi Scrubber (wet, Phosphoric Acid) A-Fa-1b Spray tower scrubber (water)
2	Granulation Plant	A-Fa-2a Multiple Cyclone (dry) A-Fa-2b Venturi Scrubber (wet, Phosphoric Acid)
2	Granulation Plant	A-Fa-3 Baghouse
3	Dry product transfer	Enclosure
3	Dry product storage	Enclosure
3	Dry product loadout	Chemical dust suppressant
4	East Sulfuric Acid Plant	Dual absorption contact process
5	Nebraska boiler (B-5)	Low NO <sub>x</sub> package boiler
6	Phosphoric acid process	Multi-stage horizontal cross-flow scrubber (A-Pa-1)
6	Superphosphoric acid process	Multi-stage horizontal cross-flow scrubber (A-Pb-1)
6	Purified phosphoric acid process	Sulfiding vent scrubber (A-Pp-1) Filter aid silo baghouse (A-Pp-2) Conditioning vent scrubber (A-Pp-3)
6	Thermal fluid heaters	S-Pa-2a is equipped to control O <sub>2</sub> in combustion air
8	Cleaver-Brooks boiler	Low-NO <sub>x</sub> package boiler

# AIR QUALITY TIER I OPERATING PERMIT NUMBER: T1-040321

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## 1. FACILITY-WIDE CONDITIONS

The following requirements apply generally to emissions units at the facility.

**Table 1.1 FACILITY-WIDE APPLICABLE REQUIREMENTS SUMMARY**

Permit Conditions	Parameter	Permit Limit / Standard Summary	Applicable Requirements Reference	Monitoring and Record-keeping Requirements
1.1	Fugitive emissions	Reasonable precautions	IDAPA 58.01.01.650-651	1.2, 1.3, 1.4, 1.11
1.5	Odorous gases, liquids, or solids	No emissions that cause air pollution	IDAPA 58.01.01.775-776	1.6, 1.11
1.7	Visible emissions	20% opacity for no more than three minutes in any 60-minute period	IDAPA 58.01.01.625	1.8, 1.11
1.9	Excess emissions	Compliance with IDAPA 58.01.01.130-136	IDAPA 58.01.01.130	1.9-1.9.5, 1.11
1.12	Open burning	In accordance with IDAPA 58.01.01.600-616	IDAPA 58.01.01.600-616	1.11
1.13	Asbestos	Compliance with 40 CFR 61, Subpart M	40 CFR 61, Subpart M	1.11, 1.13
1.14	Accidental release prevention	Compliance with 40 CFR 68.215(a)(2)	40 CFR 68.10(a)	1.11, 1.14
1.15	PM <sub>10</sub> , PM, NO <sub>x</sub> , SO <sub>2</sub> , CO, VOC, opacity	Test methods	IDAPA 58.01.01.157	1.11, 1.16
1.17	Fuel-burning equipment PM standard	Grain-loading	IDAPA 58.01.01.676-677	1.17.1, 1.11
1.18, 1.19	Fuel sulfur content	<u>Fuel Oil</u> ASTM grade No. 1 – 0.3% by weight ASTM grade No. 2 – 0.5% by weight <u>Coal</u> 1% by weight	IDAPA 58.01.01.728 and 729	1.11, 1.20
1.21	Recycling and emissions reduction	Reduce emissions of Class I and Class II refrigerants in accordance with 40 CFR 82, Subpart F	40 CFR 82, Subpart F	1.11, 1.21
1.22	Fugitive dust emissions	Visible emissions at property boundary not to exceed 3 minutes in any 60-minute period	PTC No. 029-00003; Permit Condition 1.2, 7/12/02	1.2, 1.3, 1.4, 1.11
1.23	Fluoride emissions	0.3 pounds fluoride per ton P <sub>2</sub> O <sub>5</sub> input	IDAPA 58.01.01.75, 5/01/94	1.24
1.25	Operation of ambient monitors	Operate 2 PM <sub>10</sub> and 1 SO <sub>2</sub> monitors	Consent Order, Condition 10, 10/24/73	1.11

### ***Fugitive Emissions***

- 1.1 All reasonable precautions shall be taken to prevent PM from becoming airborne in accordance with IDAPA 58.01.01.650-651.

[IDAPA 58.01.01.650, 651, 5/1/94]

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- 1.2 The permittee shall monitor and maintain records of the frequency and the method(s) used (i.e., water, chemical dust suppressants, etc.) to reasonably control fugitive emissions.

[IDAPA 58.01.01.322.06, 07, 5/1/94]

- 1.3 The permittee shall maintain records of all fugitive dust complaints received. The permittee shall take appropriate corrective action as expeditiously as practicable after a valid complaint is received. The records shall include, at a minimum, the date that each complaint was received and a description of the following: the complaint, the permittee's assessment of the validity of the complaint, any corrective action taken, and the date the corrective action was taken.

[IDAPA 58.01.01.322.06, 07, 5/1/94]

- 1.4 The permittee shall conduct a monthly facility-wide inspection of potential sources of fugitive emissions, during daylight hours and under normal operating conditions, to ensure that the methods used to reasonably control fugitive emissions are effective. If fugitive emissions are not being reasonably controlled, the permittee shall take corrective action as expeditiously as practicable. The permittee shall maintain records of the results of each monthly fugitive emission inspection. The records shall include, at a minimum, the date of each inspection and a description of the following: the permittee's assessment of the conditions existing at the time fugitive emissions were present (if observed), any corrective action taken in response to the fugitive emissions, and the date the corrective action was taken.

[IDAPA 58.01.01.322.06, 07, 5/1/94; IDAPA 58.01.01.322.08, 4/5/00]

**Odors**

- 1.5 No person shall allow, suffer, cause, or permit the emission of odorous gases, liquids, or solids to the atmosphere in such quantities as to cause air pollution.

[IDAPA 58.01.01.775-776, 5/1/94]

- 1.6 The permittee shall maintain records of all odor complaints received. If the complaint has merit, the permittee shall take appropriate corrective action as expeditiously as practicable. The records shall include, at a minimum, the date that each complaint was received and a description of the following: the complaint, the permittee's assessment of the validity of the complaint, any corrective action taken, and the date the corrective action was taken.

[IDAPA 58.01.01.322.06, 07 (state-only), 5/1/94]

**Visible Emissions**

- 1.7 No person shall discharge any air pollutant to the atmosphere from any point of emission for a period or periods aggregating more than three minutes in any 60-minute period which is greater than 20% opacity as determined by procedures contained in IDAPA 58.01.01.625. These provisions shall not apply when the presence of uncombined water, nitrogen oxides, and/or chlorine gas are the only reason(s) for the failure of the emission to comply with the requirements of this section.

[IDAPA 58.01.01.625, 4/5/00]

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- 1.8 In addition to the specific requirements in Permit Conditions 4.8.3 and 7.8.2, the permittee shall conduct a monthly facility-wide visible emission inspection of potential sources of visible emissions during daylight hours and under normal operating conditions. The visible emissions inspection shall consist of a see/no see evaluation for each potential source. If any visible emissions are present from any point of emission, the permittee shall either take appropriate corrective action as expeditiously as practicable, or perform a Method 9 opacity test in accordance with the procedures outlined in IDAPA 58.01.01.625. A minimum of 30 observations shall be recorded when conducting the opacity test. If opacity is greater than 20% for a period or periods aggregating more than three minutes in any 60-minute period, the permittee shall take all necessary corrective action and report the exceedance in its annual compliance certification and in accordance with IDAPA 58.01.01.130-136. The permittee shall maintain records of the results of each monthly visible emission inspection and each opacity test when conducted. The records shall include, at a minimum, the date and results of each inspection and test and a description of the following: the permittee's assessment of the conditions existing at the time visible emissions are present (if observed), any corrective action taken in response to the visible emissions, and the date corrective action was taken.

[IDAPA 58.01.01.322.06, 07, 5/1/94; IDAPA 58.01.01.322.08, 4/5/00]

***Excess Emissions***

- 1.9 In addition to the specific requirements in Permit Conditions 2.17.2, 5.22.2, and 6.28.2, the permittee shall comply with the procedures and requirements of IDAPA 58.01.01.130-136 for excess emissions. The provisions of IDAPA 58.01.01.130-136 shall govern in the event of conflicts between Permit Condition 1.9 and the regulations of IDAPA 58.01.01.130-136.

- 1.9.1 The person responsible for or in charge of a facility during an excess emissions event shall, with all practicable speed, initiate and complete appropriate and reasonable action to correct the conditions causing such excess emissions event, to reduce the frequency of occurrence of such events, to minimize the amount by which the emission standard is exceeded, and shall, as provided below or upon request of DEQ, submit a full report of such occurrence including a statement of all known causes and of the scheduling and nature of the actions to be taken.

[IDAPA 58.01.01.132, 4/5/00]

- 1.9.2 In all cases where startup, shutdown, or scheduled maintenance of any equipment or emission unit is expected to result or results in an excess emissions event, the owner or operator of the facility or emissions unit generating the excess emissions shall demonstrate compliance with IDAPA 58.01.01.133.01(a) through (d), including, but not limited to:

[IDAPA 58.01.01.133, 4/5/00]

- A prohibition of any scheduled startup, shutdown, or maintenance resulting in excess emissions shall occur during any period in which an Atmospheric Stagnation Advisory and/or a Wood Stove Curtailment Advisory has been declared by DEQ; and

[IDAPA 58.01.01.133.01.a, 3/20/97]

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- Notifying DEQ of the excess emissions event as soon as reasonably possible, but no later than two hours prior to the start of the excess emission event unless the owner or operator demonstrates to DEQ's satisfaction that a shorter advanced notice was necessary.

[IDAPA 58.01.01.133.01.b, 4/5/00]

- The owner or operator of a source of excess emissions shall report and record the information required pursuant to Permit Conditions 1.9.4 and 1.9.5 and IDAPA 58.01.01.135 and 136 for each excess emissions event due to startup, shutdown, or scheduled maintenance.

[IDAPA 58.01.01.133.01.c, 3/20/97]

- 1.9.3 In all cases where upset or breakdown of equipment or an emissions unit, or the initiation of safety measures, results or may result in an excess emissions event, the owner or operator of the facility or emissions unit generating the excess emissions shall demonstrate compliance with IDAPA 58.01.01.134.01(a) and (b) and the following:

[IDAPA 58.01.01.134, 4/5/00]

- 1.9.3.1 For all equipment or emissions units from which excess emissions result during upset or breakdown conditions, or for other situations that may necessitate the implementation of safety measures which cause excess emissions, the facility owner or operator shall comply with the following:

[IDAPA 58.01.01.134.02, 4/5/00]

- The owner or operator shall immediately undertake all appropriate measures to reduce and, to the extent possible, eliminate excess emissions resulting from the event and to minimize the impact of such excess emissions on the ambient air quality and public health.

[IDAPA 58.01.01.134.02.a, 4/5/00]

- The owner or operator shall notify DEQ of any upset, breakdown, or safety event that results in excess emissions. Such notification shall identify the time, specific location, equipment or emissions unit involved, and (to the extent known) the cause(s) of the occurrence. The notification shall be given as soon as reasonably possible, but no later than 24 hours after the event, unless the owner or operator demonstrates to DEQ's satisfaction that the longer reporting period was necessary.

[IDAPA 58.01.01.134.02.b, 4/5/00]

- The owner or operator shall report and record the information required pursuant to Permit Conditions 1.9.4 and 1.9.5 and IDAPA 58.01.01.135 and 136 for each excess emissions event caused by an upset, breakdown, or safety measure.

[IDAPA 58.01.01.134.02.c, 3/20/97]

- 1.9.3.2 During any period of excess emissions caused by upset, breakdown, or operation under facility safety measures, DEQ may require the owner or operator to immediately reduce or cease operation of the equipment or emissions unit causing the excess emissions until such time as the condition causing the excess emissions has been corrected or brought under control. Such action by DEQ shall be taken upon consideration of the factors listed in IDAPA 58.01.01.134.03 and after consultation with the facility owner or operator.

[IDAPA 58.01.01.134.03 4/5/00]

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- 1.9.4 A written report for each excess emissions event shall be submitted to DEQ by the owner or operator no later than 15 days after the beginning of such an event. Each report shall contain the information specified in IDAPA 58.01.01.135.02.

[IDAPA 58.01.01.135.01, 3/20/97; IDAPA 58.01.01.135.02, 4/5/00]

- 1.9.5 The owner or operator shall maintain excess emissions records at the facility for the most recent five-calendar-year period. The excess emissions records shall be made available to DEQ upon request. The excess emissions records shall include the information requested by IDAPA 58.01.01.136.03(a) and (b) as summarized in the following:

[IDAPA 58.01.01.136.01, 02, 3/20/97; IDAPA 58.01.01.136.03, 4/5/00]

- An excess emissions record book for each emissions unit or piece of equipment containing copies of all reports that have been submitted to DEQ pursuant to IDAPA 58.01.01.135 for the particular emissions unit or equipment; and

[IDAPA 58.01.01.136.03.a, 4/5/00]

- Copies of all startup, shutdown, and scheduled maintenance procedures and upset, breakdown, or safety preventative maintenance plans which have been developed by the owner or operator in accordance with IDAPA 58.01.01.133 and 134, and facility records as necessary to demonstrate compliance with such procedures and plans.

[IDAPA 58.01.01.136.03.b, 3/20/97; IDAPA 58.01.01.130-136, 4/5/00  
(state-only, federally-enforceable upon approval into the SIP);  
IDAPA 58.01.01.322.08.b, 3/23/98]

### **Reports and Certifications**

- 1.10 All periodic reports and certifications required by this permit shall be submitted to DEQ within 30 days of the end of each specified reporting period. Excess emissions reports and notifications shall be submitted in accordance with IDAPA 58.01.01.130-136.

Reports, certifications, and notifications shall be submitted to:

Air Quality Permit Compliance  
Department of Environmental Quality  
Pocatello Regional Office  
444 Hospital Way, #300  
Pocatello, ID 83201  
Phone: (208) 236-6160

Fax: (208) 236-6168

The periodic compliance certification required by General Provision 21 shall also be submitted within 30 days of the end of the specified reporting period to:

EPA Region 10  
Air Operating Permits, OAQ-107  
1200 Sixth Ave.  
Seattle, WA 98101

[IDAPA 58.01.01.322.08, 11, 5/1/94]

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### ***Monitoring and Recordkeeping***

- 1.11 The permittee shall maintain sufficient recordkeeping to assure compliance with all of the terms and conditions of this operating permit. Recording of monitoring information shall include, but not be limited to the following: (a) the date, place, and times of sampling or measurements; (b) the date analyses were performed; (c) the company or entity that performed the analyses; (d) the analytical techniques or methods used; (e) the results of such analyses; and (f) the operating conditions existing at the time of sampling or measurement. All monitoring records and support information shall be retained for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Supporting information includes, but is not limited to, all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. All records required to be maintained by this permit shall be made available in either hard copy or electronic format to DEQ representatives upon request.

The permittee is not required to conduct the monitoring and associated recordkeeping for any emission unit if the emissions unit did not operate at any time between required monitoring events, provided the following conditions are met:

- The permittee makes a contemporaneous record in the log or file maintained on site of the date and time that the emission unit ceased operation, and the reason why the emission unit did not operate.
- The permittee makes a contemporaneous record in a log or file maintained on site of the date and time that the emission unit resumed operation.

[IDAPA 58.01.01.322.07, 5/1/94]

### ***Open Burning***

- 1.12 The permittee shall comply with the requirements of IDAPA 58.01.01.600-616, Rules for Control of Open Burning.

[IDAPA 58.01.01.600-616, 5/1/94]

### ***Renovation/Demolition***

- 1.13 The permittee shall comply with all applicable portions of 40 CFR 61, Subpart M when conducting any renovation or demolition activities at the facility.

[40 CFR 61, Subpart M]

### ***Regulated Substances for Accidental Release Prevention***

- 1.14 This facility is subject to Part 68 and shall certify compliance with all requirements of 40 CFR 68, including the registration and submission of the RMP, as part of the annual compliance certification required by 40 CFR 70.6(c)(5).

[40 CFR 68.215(a)(2); IDAPA 58.01.01.322.11, 5/1/94; 40 CFR 68.215(a)(ii)]

### ***Test Methods***

- 1.15 If testing is required, the permittee shall use the following test methods described in Table 1.2 to measure the pollutant emissions.

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**Table 1.2 EPA REFERENCE TEST METHODS**

Pollutants	Test Method*	Special Conditions
PM <sub>10</sub>	EPA Method 201.a EPA Method 202	
PM	EPA Method 5	
NO <sub>x</sub>	EPA Method 7	
SO <sub>2</sub>	EPA Method 6	
CO	EPA Method 10	
VOC	EPA Method 25	
Opacity	EPA Method 9	If an NSPS source, IDAPA 58.01.01.625 and Method 9; otherwise, IDAPA 58.01.01.625 only.

\*Or DEQ-approved alternative in accordance with IDAPA 58.01.01.157

**Compliance Testing**

- 1.16 If testing is required, the permittee shall provide notice of intent to test to DEQ at least 15 days prior to the scheduled test or shorter time period as provided in a permit, order, consent decree, or by DEQ approval. DEQ may, at its option, have an observer present at any emissions tests conducted on a source. DEQ requests that such testing not be performed on weekends or state holidays.

All testing shall be conducted in accordance with the procedures in IDAPA 58.01.01.157. Without prior DEQ approval, any alternative testing is conducted solely at the permittee's risk. If the permittee fails to obtain prior written approval by DEQ for any testing deviations, DEQ may determine that the testing does not satisfy the testing requirements. Therefore, prior to conducting any compliance test, the permittee is encouraged to submit in writing to DEQ, at least 30 days in advance, the following for approval:

- The type of test method to be used
- Any extenuating or unusual circumstances regarding the proposed test
- The proposed schedule for conducting and reporting the test

Within 30 days following the date in which a compliance test required by this permit is concluded, the permittee shall submit to DEQ a compliance test report for the respective test. The compliance test report shall include all process operating data collected during the test period as well as the test results, raw test data, and associated documentation, including any approved test protocol.

The proposed test date(s), test date rescheduling notice(s), compliance test report, and all other correspondence shall be sent to:

Air Quality Permit Compliance  
Department of Environmental Quality  
Pocatello Regional Office  
444 Hospital Way, # 300  
Pocatello, ID 83201  
Phone: (208) 236-6160

Fax: (208) 236-6168

[IDAPA 58.01.01.157, 4/5/00; IDAPA 58.01.01.322.06, 08.a, 09, 5/1/94]

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### ***Fuel-burning Equipment***

- 1.17 The permittee shall not discharge to the atmosphere from any fuel-burning equipment particulate matter in excess of 0.015 gr/dscf of effluent gas corrected to 3% oxygen by volume for gas.  
[IDAPA 58.01.01.676-677, 5/1/94]
- 1.17.1 The boilers and heaters not listed as insignificant emission units (Section 9) shall be fired on natural gas exclusively.  
[IDAPA 58.01.01.322.01, 3/19/99]

### ***Sulfur Content***

- 1.18 No person shall sell, distribute, use, or make available for use any distillate fuel oil containing more than the following percentages of sulfur:
- ASTM Grade 1 fuel oil - 0.3% by weight.
  - ASTM Grade 2 fuel oil - 0.5% by weight.
- [IDAPA 58.01.01.728, 5/1/94]
- 1.19 No person shall sell, distribute, use or make available for use, any coal containing greater than 1% sulfur by weight.  
[IDAPA 58.01.01.729, 5/1/94]
- 1.20 The permittee shall maintain documentation of supplier verification of distillate fuel oil sulfur content and coal sulfur content on an as-received basis.  
[IDAPA 58.01.01.322.01, 3/19/99]

### ***Recycling and Emissions Reductions***

- 1.21 The permittee shall comply with applicable standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, Recycling and Emissions Reduction.  
[40 CFR 82, Subpart F]

### ***Fugitive Dust Emissions***

- 1.22 Fugitive emissions shall not be observed leaving the property for a period or periods aggregating more than three minutes in any 60-minute period. Fugitive visible emissions shall be determined by EPA Reference Method 22, as described in 40 CFR 60, Appendix A, or by a DEQ-approved alternative method.  
[PTC No. P-040320, April 28, 2006]

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### ***Rules for Control of Fluoride Emissions***

- 1.23 No person shall allow, suffer, cause or permit the discharge into the atmosphere of total fluoride emissions in gaseous and in particulate form, expressed as fluoride (F-) from the phosphate fertilizer plant sources in Permit Sections 2 and 6 in excess of 0.3 pounds of fluoride per ton of P<sub>2</sub>O<sub>5</sub> input to the phosphate fertilizer plant, calculated at maximum-rated capacity.

[IDAPA 58.01.01.751.01, 5/1/94]

### ***Monitoring, Testing, and Reporting Requirements***

- 1.24 Compliance with IDAPA 58.01.01.751.01 will be adjudged upon the results of the continuing program of fluoride sampling of potential grazing areas and alfalfa-growing areas conducted by DEQ. Sampling conducted by any person subject to IDAPA 58.01.01.751 may be accepted for determining compliance with IDAPA 58.01.01.751.01 if such sampling is conducted at sites approved by DEQ in advance of sampling, using analytical procedures appearing in the Procedures Manual for Air Pollution Control, Section I (Source Test Methods) or equivalent methods approved by DEQ in advance of sampling. Compliance with IDAPA 58.01.01.751.01 shall be demonstrated by testing methods approved in advance by DEQ. When approved by the Director in advance of sampling, engineering calculations may be submitted in lieu of emission data. Monitoring and reporting requirements shall be included in operating permits granted to each facility.

[IDAPA 58.01.01.751.02, 5/1/94]

### ***Operation of Ambient Monitors***

- 1.25 The permittee shall operate two PM<sub>10</sub> monitors and one continuous ambient SO<sub>2</sub> monitor at sites approved by DEQ. Results of the above described monitoring shall be submitted to DEQ monthly.

[Consent Order, Condition 10, 10/24/73]

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## 2. GRANULATION PLANT

### Summary Description

The following is a narrative description of the dry fertilizer granulation plant regulated in this Tier I operating permit. This description is for informational purposes only.

The granulation plant produces two different grades of dry products. Phosphoric acid from the phosphoric acid plant and ammonia, which is purchased from outside the plant, are the primary raw materials. The basic reaction involved in the different products is the neutralization of the phosphoric acid by the ammonia. This generates a large quantity of heat and is responsible for the steam plume which may be seen exiting the Granulation stack.

At various points in the process, dust, fluorine fumes, or ammonia fumes are generated. A series of scrubbers are used to remove these fumes from the air exiting the plant. Phosphoric acid and water are used as the scrubbing media.

Table 2.1 below describes the devices used to control emissions from the granulation plant.

**Table 2.1 EMISSIONS UNITS AND EMISSIONS CONTROL DEVICES**

Source Code	Emission Unit(s) / Process(es)	Emission Control Device		Emission Point
S-Fa-1	granulation plant	A-Fa-1a	Venturi Scrubber (wet, Phosphoric Acid)	P-Fa-1/2 (Sources Fa-1 and Fa-2 have a common exhaust)
		A-Fa-1b	Spray tower scrubber (water)	
S-Fa-2		A-Fa-2a	Multiple Cyclone (dry)	
		A-Fa-2b	Venturi Scrubber (wet, Phosphoric Acid)	
S-Fa-3		A-Fa-3	Baghouse	P-Fa-3

Table 2.2 contains only a summary of the requirements that apply to the granulation plant. Specific permit requirements are listed below Table 2.2.

**Table 2.2 APPLICABLE REQUIREMENTS SUMMARY**

Permit Conditions	Parameter	Permit Limit / Standard Summary	Applicable Requirements Reference	Operating, Monitoring, and Recordkeeping Requirements
2.1	Fluoride emissions	0.058 lb/ton equivalent P <sub>2</sub> O <sub>5</sub> feed	40 CFR 63.622 <sup>(1)</sup>	2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.10, 2.11, 2.12, 2.13, 2.15, 2.17, 2.18, 2.19, 2.20, 2.21, 2.22
2.2	Particulate matter	Process weight limitations	IDAPA 58.01.01.701	2.5, 2.9, 2.14, 2.16

If any requirement in this permit conflicts with any requirement contained in 40 CFR 63 the requirement in 40 CFR 63 shall control.

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### ***Permit Limits / Standard Summary***

#### **2.1 Fluoride - Diammonium and/or Monoammonium Phosphate Process Line**

On and after the date on which the performance test required to be conducted by 40 CFR 63.7 and 63.626 is completed, no owner or operator subject to the provisions of 40 CFR 63, Subpart BB shall cause to be discharged into the atmosphere from any affected source any gases which contain total fluorides in excess of 29.0 grams/metric ton of equivalent  $P_2O_5$  feed (0.0580 lb/ton).

[40 CFR 63.623(a); PTC No. P-040320, April 28, 2006]

#### **2.2 PM - Process Weight Rate Limitations**

No person shall emit into the atmosphere from any process or process equipment commencing operation on or after October 1, 1979, PM in excess of the amount shown by the following equations, where E is the allowable emission from the entire source in pounds per hour, and PW is the process weight in pounds per hour.

- a. If PW is less than 9,250 lb/hr,

$$E = 0.045(PW)^{0.6}$$

- b. If PW is equal to or greater than 9,250 lb/hr,

$$E = 1.10(PW)^{0.25}$$

[IDAPA58.01.01.701, 4/5/00]

### ***Operating Requirements***

#### **2.3 Pressure Drops and Flow Rates for Wet Scrubbers**

On or after the date on which the performance test required to be conducted by 40 CFR 63.7 and 63.626 is required to be completed, the owner/operator using a wet scrubbing emission control system must maintain daily averages of the pressure drop across each scrubber and of the flow rate of the scrubbing liquid to each scrubber within the allowable ranges established pursuant to the requirements of 40 CFR 63.625(f)(1) or (2).

[40 CFR 63.624; PTC No. P-040320, April 28, 2006]

### ***Monitoring & Recordkeeping Requirements***

#### **2.4 Throughput Monitoring Systems**

Each owner or operator of a new or existing diammonium and/or monoammonium phosphate process line or granular triple superphosphate process line subject to the provisions of 40 CFR 63, Subpart BB shall install, calibrate, maintain, and operate a monitoring system which can be used to determine and permanently record the mass flow of phosphorus-bearing feed material to the process. The monitoring system shall have an accuracy of  $\pm 5\%$  over its operating range.

[40 CFR 63.625(a); PTC No. P-040320, April 28, 2006]

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## 2.5 P<sub>2</sub>O<sub>5</sub> Throughput

Each owner or operator of a new or existing diammonium and/or monoammonium phosphate process line or granular triple superphosphate process line subject to the provisions of 40 CFR 63, Subpart BB shall maintain a daily record of equivalent P<sub>2</sub>O<sub>5</sub> feed by first determining the total mass rate in metric ton/hour of phosphorus bearing feed using a monitoring system for measuring mass flow rate which meets the requirements of 40 CFR 63.625(a) and then by proceeding according to 40 CFR 63.626(c)(3) (Permit Condition 2.13.1(3)).

[40 CFR 63.625(b); PTC No. P-040320, April 28, 2006]

## 2.6 Pressure Drop Across Each Scrubber

Each owner or operator of a new or existing diammonium and/or monoammonium phosphate process line, granular triple superphosphate process line, or granular triple superphosphate storage building using a wet scrubbing emission control system shall install, calibrate, maintain, and operate a monitoring system which continuously measures and permanently records the pressure drop across each scrubber in the process scrubbing system in 15-minute block averages. The monitoring system shall be certified by the manufacturer to have an accuracy of ±5% over its operating range.

[40 CFR 63.625(c)(1); PTC No. P-040320, April 28, 2006]

## 2.7 Liquid Flow Rate of Each Scrubber

Each owner or operator of a new or existing Diammonium and/or Monoammonium phosphate process line, granular triple superphosphate process line, or granular triple superphosphate storage building using a wet scrubbing emission control system shall install, calibrate, maintain, and operate a monitoring system which continuously measures and permanently records the flow rate of the scrubbing liquid to each scrubber in the process scrubbing system in 15-minute block averages. The monitoring system shall be certified by the manufacturer to have an accuracy of ±5% over its operating range.

[40 CFR 63.625(c)(2); PTC No. P-040320, April 28, 2006]

## 2.8 Scrubber Pressure Drop and Liquid Flow Rate Ranges

Following the date on which the performance test required in 40 CFR 63.626 is completed, the owner or operator of a new or existing affected source using a wet scrubbing emission control system and subject to emissions limitations for total fluorides or particulate matter contained in 40 CFR 63, Subpart BB must establish allowable ranges for operating parameters using the methodology specified in either 2.8.1 or 2.8.2.

- 2.8.1 The allowable range for the daily averages of the pressure drop across each scrubber and of the flow rate of the scrubbing liquid to each scrubber in the process scrubbing system is ±20% of the baseline average value determined as a requirement of 40 CFR 63.626(c)(4) or (d)(4). The Administrator retains the right to reduce the ±20% adjustment to the baseline average values of operating ranges in those instances where performance test results indicate that a source's level of emissions is near the value of an applicable emissions standard, but in no instance shall the adjustment be reduced to less than #10%. The owner or operator must notify the Administrator of the baseline average value and must notify the Administrator each time that the baseline value is changed as a result of the most

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recent performance test. When a source using the methodology of this paragraph is retested, the owner or operator shall determine whether new allowable ranges of baseline average values will be based upon the new performance test or (if the new performance test results are within the previously established range) whether there will be no change in the operating parameters derived from previous tests. When a source using the methodology of this paragraph is retested and the performance test results are submitted to the Administrator pursuant to 40 CFR 63.627(c)(1), 63.7(g)(1), and/or 63.10(d)(2), the owner or operator will indicate whether the operating range will be based on the new performance test or the previously established range. If the Administrator has not denied approval of the new operating ranges within 30 days of submission of the performance test results, the new ranges shall be deemed approved and the new baseline value shall then be effective on the 31st day following submission.

- 2.8.2 The owner or operator of any new or existing affected source shall establish, and provide to the Administrator for approval, allowable ranges for the daily averages of the pressure drop across and of the flow rate of the scrubbing liquid to each scrubber in the process scrubbing system for the purpose of assuring compliance with 40 CFR 63, Subpart BB. Allowable ranges may be based upon baseline average values recorded during previous performance tests using the test methods required in 40 CFR 63.626(c)(4) or (d)(4). As an alternative, the owner or operator can establish the allowable ranges using the results of performance tests conducted specifically for the purposes of this paragraph using the test methods required in 40 CFR 63, Subpart BB and established in the manner required in 40 CFR 63.626(c)(4) or (d)(4). The source shall certify that the control devices and processes have not been modified subsequent to the testing upon which the data used to establish the allowable ranges were obtained. The allowable ranges developed pursuant to the provisions of this paragraph must be submitted to the Administrator for approval. The owner or operator must request and obtain approval of the Administrator for changes to the allowable ranges. When a source using the methodology of this paragraph is retested, the owner or operator shall determine new allowable ranges of baseline average values unless the retest indicates no change in the operating parameters outside the previously established ranges. If the Administrator has not denied approval of the new operating ranges within 30 days of submission of the performance test results, the new ranges shall be deemed approved and the new baseline value shall then be effective on the 31st day following submission.

**[40 CFR 63.625(f); PTC No. P-040320, April 28, 2006]**

**2.9 Urea Storage Baghouse Pressure Drop**

- 2.9.1 The permittee shall install, calibrate, maintain, and operate, in accordance with manufacturer specifications, equipment to continuously measure the pressure differential across the baghouse.
- 2.9.2 The pressure drop across the baghouse shall be maintained within the manufacturer and Operation & Maintenance (O&M) manual specifications when it is operated. Documentation of both the manufacturer's and O&M manual operating pressure drop specifications shall remain onsite at all times and shall be available to DEQ representatives upon request.
- 2.9.3 The permittee shall monitor and record the pressure drop across the baghouse on a weekly basis when it is operated.

**[PTC No. P-040320, April 28, 2006]**

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**2.10 Performance Testing for Existing Units**

On or before the applicable compliance date in 40 CFR 63.630 and once per annum thereafter, each owner or operator of a phosphate fertilizers production plant subject to the provisions of 40 CFR 63, Subpart BB shall conduct a performance test to demonstrate compliance with the applicable emission standard for each existing diammonium and/or monoammonium phosphate process line. The owner or operator shall conduct the performance test according to the procedures in 40 CFR 63, Subpart A, and in 40 CFR 63.626.

[40 CFR 63.626(a)(1); PTC No. P-040320, April 28, 2006]

**2.11 Performance Testing for New Units**

As required by 40 CFR 63.7(a)(2) and once per annum thereafter, each owner or operator of a phosphate fertilizer production plant subject to the provisions of 40 CFR 63, Subpart BB shall conduct a performance test to demonstrate compliance with the applicable emission standard for each new diammonium and/or monoammonium phosphate process line. The owner or operator shall conduct the performance test according to the procedures in 40 CFR 63, Subpart A and in 40 CFR 63.626.

[40 CFR 63.626(a)(2); PTC No. P-040320, April 28, 2006]

**2.12 Performance Test Methods**

In conducting performance tests, each owner or operator of an affected source shall use as reference methods and procedures the test methods in 40 CFR 60, Appendix A, or other methods and procedures as specified in 40 CFR 63.626, except as provided in 40 CFR 63.7(f).

[40 CFR 63.626(b); PTC No. P-040320, April 28, 2006]

**2.13 Performance Testing - Fluorides**

Each owner or operator of a new or existing diammonium and/or monoammonium phosphate process line shall determine compliance with the applicable total fluorides standards in 40 CFR 63.622 or 63.623, as specified in 2.13.1.

- 2.13.1 (1) The emission rate (E) of total fluorides shall be computed for each run using the following equation:

$$E = \left( \sum_{i=1}^N C_{si} Q_{sdi} \right) / (PK)$$

Where:

- E = emission rate of total fluorides, g/metric ton (lb/ton) of equivalent P<sub>2</sub>O<sub>5</sub> feed.
- C<sub>si</sub> = concentration of total fluorides from emission point "i," mg/dscm (mg/dscf).
- Q<sub>sdi</sub> = volumetric flow rate of effluent gas from emission point "i," dscm/hr (dscf/hr).
- N = number of emission points associated with the affected facility.
- P = equivalent P<sub>2</sub>O<sub>5</sub> feed rate, metric ton/hr (ton/hr).
- K = conversion factor, 1000 mg/g (453,600 mg/lb).

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- (2) Method 13A or 13B (40 CFR 60, Appendix A) shall be used to determine the total fluorides concentration ( $C_{fi}$ ) and volumetric flow rate ( $Q_{sdi}$ ) of the effluent gas from each of the emission points. If Method 13 B is used, the fusion of the filtered material described in Permit Condition 7.3.1.2 and the distillation of suitable aliquots of containers 1 and 2, described in Permit Conditions 7.3.3 and 7.3.4 in Method 13 A, may be omitted. The sampling time and sample volume for each run shall be at least one hour and 0.85 dscm (30 dscf).

- (3) The equivalent  $P_2O_5$  feed rate (P) shall be computed using the following equation:

$$P = M_p R_p$$

Where:

$M_p$  = total mass flow rate of phosphorus-bearing feed, metric ton/hr (ton/hr).  
 $R_p$  =  $P_2O_5$  content, decimal fraction.

- (i) The accountability system described in 40 CFR 63.625(a) and (b) shall be used to determine the mass flow rate ( $M_p$ ) of the phosphorus-bearing feed.
- (ii) The  $P_2O_5$  content ( $R_p$ ) of the feed shall be determined using as appropriate the following methods (incorporated by reference -- see 40 CFR 63.14) specified in the Book of Methods Used and Adopted By The Association Of Florida Phosphate Chemists, Seventh Edition 1991, where applicable:
- (A) Section IX, Methods of Analysis for Phosphate Rock, No. 1 Preparation of Sample.
  - (B) Section IX, Methods of Analysis for Phosphate Rock, No. 3 Phosphorus --  $P_2O_5$  or  $Ca_3(PO_4)_2$ , Method A - Volumetric Method.
  - (C) Section IX, Methods of Analysis For Phosphate Rock, No. 3 Phosphorus-  $P_2O_5$  or  $Ca_3(PO_4)_2$ , Method B - Gravimetric Quimociac Method.
  - (D) Section IX, Methods of Analysis For Phosphate Rock, No. 3 Phosphorus-  $P_2O_5$  or  $Ca_3(PO_4)_2$ , Method C - Spectrophotometric Method.
  - (E) Section XI, Methods of Analysis For Phosphoric Acid, Superphosphate, Triple superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-  $P_2O_5$ , Method A -Volumetric Method.
  - (F) Section XI, Methods of Analysis For Phosphoric Acid, Superphosphate, Triple Superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-  $P_2O_5$ , Method B - Gravimetric Quimociac Method.
  - (G) Section XI, Methods of Analysis for Phosphoric Acid, Superphosphate, Triple Superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus- $P_2O_5$ , Method C - Spectrophotometric Method.
- (4) To comply with 40 CFR 63.625(f)(1) or (2), the owner or operator shall use the monitoring systems in 40 CFR 63.625(c) to determine the average pressure loss of the gas stream across each scrubber in the process scrubbing system and to determine the average flow rate of the scrubber liquid to each scrubber in the process scrubbing system during each of the total fluoride runs. The arithmetic averages of the three runs shall be used as the baseline average values for the purposes of 40 CFR 63.625(f)(1) or (2).

[40 CFR 63.626(c); PTC No. P-040320, April 28, 2006]

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**2.14     Operations and Maintenance Manual Requirements**

Within 60 days after startup, the permittee shall have developed an O&M manual for the Urea Storage Baghouse, which describes the procedures that will be followed to comply with Permit Condition 2.23 and the air pollution control device requirements contained in this permit. The manual shall remain onsite at all times and shall be available to DEQ representatives upon request.

[PTC No. P-040320, April 28, 2006]

- 2.15     Each owner or operator subject to the requirements of 40 CFR 63, Subpart BB shall comply with the recordkeeping requirements in 40 CFR 63.10. Requirements are included in Appendix A of this permit.

[40 CFR 63.627(b)]

**2.16     Performance Test - Particulate Matter**

The permittee shall conduct a compliance test on P-Fa-1/2, and P-Fa-3 in accordance with the procedures outlined in 40 CFR 60, Appendix A, Method 5, or a DEQ-approved alternative method, within 180 days of issuance of the permit.

If the particulate matter emission rate measured in the initial compliance test is less than or equal to 75% of the emission standard in Permit Condition 2.2, no further testing shall be required during the permit term. The process weight measured during the compliance test shall be PW in the equation. If the particulate matter emission rate measured during the compliance test is greater than 75%, but less than or equal to 90%, of the emission standard in Permit Condition 2.2, a second test shall be required in the third year of the permit term. If the particulate matter emission rate measured during the compliance test is greater than 90% of the emission standard in Permit Condition 2.2, the permittee shall conduct a compliance test annually.

[IDAPA 58.01.01.322.09, 5/1/94]

**Reporting****2.17     Maximum Achievable Control Technology Performance Test Report**

In accordance with 40 CFR 63.627(c), the owner or operator of an affected source shall comply with the reporting requirements specified in 40 CFR 63.10 as follows:

[40 CFR 63.627(c); PTC No. P-040320, April 28, 2006]

**2.17.1     Performance Test Report**

As required by 40 CFR 63.10, the owner or operator shall report the results of the initial and annual performance tests as part of the notification of compliance status required in 40 CFR 63.9.

[40 CFR 63.627(c)(1)]

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#### 2.17.2 Excess Emissions Report

As required by 40 CFR 63.10, the owner or operator of an affected source shall submit an excess emissions report for any exceedance of an operating parameter limit. The report shall contain the information specified in 40 CFR 63.10. When no exceedances of an operating parameter have occurred, such information shall be included in the report. The report shall be submitted semiannually and shall be delivered or postmarked by the 30th day following the end of the calendar half. If exceedances are reported, the owner or operator shall report quarterly until a request to reduce reporting frequency is approved, as described in 40 CFR 63.10.

[40 CFR 63.627(c)(2)]

#### 2.17.3 Summary Report

If the total duration of control system exceedances for the reporting period is less than 1% of the total operating time for the reporting period, the owner or operator shall submit a summary report containing the information specified in 40 CFR 63.10 rather than the full excess emissions report, unless required by the Administrator. The summary report shall be submitted semiannually and shall be delivered or postmarked by the 30th day following the end of the calendar half.

[40 CFR 63.627(c)(3)]

- 2.17.4 If the total duration of control system operating parameter exceedances for the reporting period is 1% or greater of the total operating time for the reporting period, the owner or operator shall submit a summary report and the excess emissions report.

[40 CFR 63.627(c)(4)]

- 2.18 Each owner or operator subject to the requirements of 40 CFR 63, Subpart BB shall comply with notification requirements in 40 CFR 63.9. Requirements are included in Appendix A of this permit.

[40 CFR 63.627(a)]

### ***Phosphate Fertilizers Production Plant MACT Compliance Dates***

- 2.19 Each owner or operator of an existing affected source at a phosphate fertilizers production plant shall achieve compliance with the requirements of 40 CFR 63, Subpart BB no later than June 10, 2002. Notwithstanding the requirements of 40 CFR 63.7(a)(2)(iii), each owner or operator of an existing affected source at a phosphate fertilizers production plant shall fulfill the applicable requirements of 40 CFR 63.626 no later than June 10, 2002.

[40 CFR 63.630(a)]

- 2.20 Each owner or operator of a phosphate fertilizers production plant that commences construction or reconstruction of an affected source after December 27, 1996 shall achieve compliance with the requirements of 40 CFR 63, Subpart BB upon startup of operations or by June 10, 1999, whichever is later.

[40 CFR 63.630(b)]

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### ***Phosphate Fertilizers Production Plant Exemption From New Source Performance Standards***

- 2.21 Any affected source subject to the provisions of 40 CFR 63, Subpart BB is exempted from any otherwise applicable new source performance standard contained in 40 CFR 60, Subpart V, Subpart W, or Subpart X. To be exempt, a source must have a current operating permit pursuant to Title V of the Act and the source must be in compliance with all requirements of 40 CFR 63, Subpart BB. For each affected source, this exemption is effective upon the date that the owner or operator demonstrates to the Administrator that the requirements of 40 CFR 63.624, 63.625 and 63.626 have been met.  
[40 CFR 63.631]

### ***Applicability of MACT General Provisions***

- 2.22 The owner or operator shall comply with the requirements of the general provisions in 40 CFR 63, Subpart A as shown in Appendix A to 40 CFR 63, Subpart BB. Requirements are included in Appendix A of this permit.  
[40 CFR 63.628; PTC No. P-040320, April 28, 2006]

### ***PTC General Provisions***

- 2.23 The permittee shall at all times (except as provided in the *Rules*) maintain in good working order and operate as efficiently as practicable, all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable Idaho laws for the control of air pollution.  
[PTC No. P-040320, General Provision 2, April 28, 2006]

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### 3. DRY PRODUCT TRANSFER, STORAGE, AND LOADOUT

#### **Summary Description**

The following is a narrative description of the dry product transfer, storage, and loadout process regulated in this Tier I operating permit. This description is for informational purposes only.

Dry fertilizer from the granulation plant is conveyed to the shipping warehouse and stored until time to ship to customers. The warehouse holds approximately 60,000 tons of dry fertilizer products. Front-end loaders are used to transfer the product from the piles inside the warehouse to the feeders and conveyers. The fertilizer products are screened for size and loaded into railcars or trucks.

Table 3.1 describes the devices used to control dry product transfer, storage, and loadout.

**Table 3.1 EMISSIONS UNITS AND EMISSIONS CONTROL DEVICES**

Source Code	Emission Unit(s) / Process(es)	Emission Control Device
F-Fb-1	Dry product transfer	Enclosure
F-Fb-2	Dry product storage	Enclosure
F-Fc-1	Dry product loadout	Chemical dust suppressant

Table 3.2 contains only a summary of the requirements that apply to the dry product transfer, storage, and loadout process. Specific permit requirements are listed below Table 3.2.

**Table 3.2 APPLICABLE REQUIREMENTS SUMMARY**

Permit Condition	Parameter	Permit Limit / Standard Summary	Applicable Requirements Reference	Monitoring and Recordkeeping Requirements
3.1	Particulate matter	Process weight	IDAPA 58.01.01.702	None

#### **Permit Limits / Standard Summary**

##### **3.1 PM - Process Weight Rate Limitations**

No person shall emit into the atmosphere from any process or process equipment operating prior to October 1, 1979, particulate matter in excess of the amount shown by the following equations, where E is the allowable emission from the entire source in pounds per hour, and PW is the process weight in pounds per hour.

- a. If PW is less than 17,000 lb/hr,

$$E = 0.045(PW)^{0.6}$$

- b. If PW is equal to or greater than 17,000 lb/hr,

$$E = 1.12(PW)^{0.27}$$

[IDAPA 58.01.01.702, 4/5/00]

#### **Monitoring & Recordkeeping Requirements**

- 3.2 None. The process is inherently in compliance. See the technical memorandum for explanation.

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#### 4. EAST SULFURIC ACID PLANT

##### Summary Description

The following is a narrative description of the East Sulfuric Acid Plant regulated in this Tier I operating permit. This description is for informational purposes only.

Approximately 50% of the sulfuric acid utilized at the Agrium Conda Phosphate Plant is currently manufactured by Nu-West at the East Sulfuric Acid Plant using a dual absorption contact process that burns elemental sulfur. The other 50% of the sulfuric acid used at the facility is purchased from a third party source.

Table 4.1 describes the devices used to control emissions from East Sulfuric Acid Plant.

**Table 4.1 EMISSIONS UNITS AND EMISSIONS CONTROL DEVICES**

Source Code	Emission Unit(s) / Process(es)	Emission Control Device
S-Se-1	East Sulfuric Acid Plant	Dual absorption contact process

Table 4.2 contains only a summary of the requirements that apply to the East Sulfuric Acid Plant. Specific permit requirements are listed below Table 4.2.

**Table 4.2 APPLICABLE REQUIREMENTS SUMMARY**

Permit Conditions	Parameter	Permit Limit / Standard Summary	Applicable Requirements Reference	Operating, Monitoring and Recordkeeping Requirements
4.1	Sulfur dioxide emissions	4 pounds per ton of sulfuric acid production 258 lb/hr 945 T/yr 28 pounds per ton of 100% sulfuric acid production	40 CFR 60.82 <sup>(1)</sup> PTC No. P-040307  IDAPA 58.01.01.845	4.5 - 4.10 - 4.14
4.2	Sulfuric acid mist emissions	0.15 pounds per ton of sulfuric acid production	40 CFR 60.83	4.6, 4.10 - 4.13, 4.15
4.3	Visible emissions	10% opacity	40 CFR 60.83	4.6, 4.10 - 4.12

<sup>1</sup> If any requirement in this permit conflicts with any requirement contained in 40 CFR 60 the requirement in 40 CFR 60 shall control.

##### Permit Limits / Standard Summary

##### 4.1 Sulfur Dioxide Emissions from the East Sulfuric Acid Plant

- 4.1.1 Sulfur dioxide emissions shall not exceed four pounds per ton of 100% sulfuric acid production, as specified in 40 CFR 60.82(a). Compliance with this limit will also demonstrate compliance with the sulfur dioxide emission limit contained in IDAPA 58.01.01.845 (28 pounds SO<sub>2</sub> per ton of 100% sulfuric acid production).

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- 4.1.2 Sulfur dioxide emissions shall not exceed 258 lb/hr and 945 tons per any consecutive 12-month period (T/yr).

[40 CFR 60.82; IDAPA 58.01.01.845, 5/1/94; PTC No. P-040307, 12/10/04]

**4.2 Sulfuric Acid Mist Emissions from the East Sulfuric Acid Plant**

Sulfuric acid mist emissions from the East Sulfuric Acid Plant shall not exceed 0.15 lb per ton of 100% sulfuric acid production, as specified in 40 CFR 60.83(a)(1).

[40 CFR 60.83; PTC No. P-040307, 12/10/04]

**4.3 Visible Emission Limits**

Visible emission limits from the East Sulfuric Acid Plant shall not exceed 10% opacity as specified in 40 CFR 60.83(a)(2).

[40 CFR 60.83; PTC No. P-040307, 12/10/04]

**4.4 PM - Process Weight PM Emissions Limitations**

No person shall emit into the atmosphere from any process or process equipment commencing operation on or after October 1, 1979, particulate matter in excess of the amount shown by the following equations, where E is the allowable emission from the entire source in pounds per hour, and PW is the process weight in pounds per hour.

- a. If PW is less than 9,250 lb/hr,

$$E = 0.045(PW)^{0.6}$$

- b. If PW is equal to or greater than 9,250 lb/hr,

$$E = 1.10(PW)^{0.25}$$

[IDAPA 58.01.01.701, 4/5/00]

**Operating Requirements**

**4.5 Production Rate Limit**

The East Sulfuric Acid Plant shall have a maximum daily production rate of 1,550 tons per day.

[PTC No. P-040307, 12/10/04]

**Monitoring & Recordkeeping Requirements**

**4.6 Performance Tests**

- 4.6.1 Sulfur dioxide and sulfuric acid mist emission tests shall be performed during each 13-month period of the permit term using EPA Reference Methods 1, 2, 3, and 8, or DEQ approved alternative methods. All emission tests shall be performed at the process equipment's maximum operating capacity.

- 4.6.2 Visible emissions shall be observed and recorded with the emissions test required in Permit Condition 4.6, using EPA Reference Method 9. A minimum of 24 observations shall be recorded.

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4.6.3 The maximum production following each emission test shall not exceed 105% of the rate achieved during the test unless the following conditions are met, and this rate shall not exceed 1550 tons per day:

4.6.3.1 The sulfur dioxide monitor is calibrated at least once every 24 hours using certified test gases, one of which has a sulfur dioxide concentration equal or less than the expected stack gas sulfur dioxide concentration, and one of which has a sulfur dioxide concentration greater than the expected stack gas sulfur dioxide concentration.

4.6.3.2 Prior written approval by DEQ is received.

4.6.3.3 An emission test is performed at the requested increased production rate, and the test demonstrates that the continuous emission monitor is accurate at the increased rate.

4.6.3.4 Sulfur dioxide and acid mist emission limits will not be violated at the requested increased production rate.

**[PTC No. P-040307, 12/10/04]**

**4.7 CEMS Requirement**

4.7.1 A continuous monitoring system for the measurement of sulfur dioxide shall be installed, calibrated, maintained, and operated by the owner or operator. The pollutant gas used to prepare calibration gas mixtures under Performance Specification 2 and for calibration checks under 60.13(d), shall be sulfur dioxide (SO<sub>2</sub>). Method 8 shall be used for conducting monitoring system performance evaluations under 60.13(c) except that only the sulfur dioxide portion of the Method 8 results shall be used. The span value shall be set at 1000 ppm of sulfur dioxide.

4.7.2 The owner or operator shall establish a conversion factor for the purpose of converting monitoring data into units of the applicable standard (kg/metric ton, lb/ton). The conversion factor shall be determined, as a minimum, three times daily by measuring the concentration of sulfur dioxide entering the converter using suitable methods (e.g., the Reich test, National Air Pollution Control Administration Publication No. 999-AP-13) and calculating the appropriate conversion factor for each 8-hour period as follows:

$$CF = k[(1.000 - 0.015r) / (r - s)]$$

where:

CF = conversion factor (kg/metric ton per ppm, lb/ton per ppm).

k = constant derived from material balance. For determining CF in metric units, k = 0.0653. For determining CF in English units, k = 0.1306.

r = percentage of sulfur dioxide by volume entering the gas converter. Appropriate corrections must be made for air injection plants subject to the Administrator's approval.

s = percentage of sulfur dioxide by volume in the emissions to the atmosphere determined by the continuous monitoring system required under Permit Condition 4.7.1.

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4.7.3 The owner or operator shall record all conversion factors and values under Permit Condition 4.7.2 from which they were computed (i.e., CF, r, and s).

4.7.4 Alternatively, a source that processes elemental sulfur or an ore that contains elemental sulfur and uses air to supply oxygen may use the following continuous emission monitoring approach and calculation procedures in determining SO<sub>2</sub> emission rates in terms of the standard. This procedure is not required, but is an alternative that would alleviate problems encountered in the measurement of gas velocities or production rate. Continuous emission monitoring systems for measuring SO<sub>2</sub>, O<sub>2</sub>, and CO<sub>2</sub> (if required) shall be installed, calibrated, maintained, and operated by the owner or operator and subjected to the certification procedures in Performance Specifications 2 and 3. The calibration procedure and span value for the SO<sub>2</sub> monitor shall be as specified in paragraph (b) of this section. The span value for CO<sub>2</sub> (if required) shall be 10% and for O<sub>2</sub> shall be 20.9% (air). A conversion factor based on process rate data is not necessary. Calculate the SO<sub>2</sub> emission rate as follows:

$$Es = (C, S) / [0.265 - (0.126 \%O_2) - (A \%CO_2)]$$

where:

Es = emission rate of SO<sub>2</sub>, kg/metric ton (lb/ ton) of 100% of H<sub>2</sub>SO<sub>4</sub> produced.

Cs = concentration of SO<sub>2</sub>, kg/dscm (lb/dscf).

S = acid production rate factor, 368 dscm/metric ton (11,800 dscf/ton) of 100% H<sub>2</sub>SO<sub>4</sub> produced.

% O<sub>2</sub> = oxygen concentration, percent dry basis.

A = auxiliary fuel factor,

= 0.00 for no fuel.

= 0.0226 for methane.

= 0.0217 for natural gas.

= 0.0196 for propane.

= 0.0172 for No 2 oil.

= 0.0161 for No 6 oil.

= 0.0148 for coal.

= 0.0126 for coke.

% CO<sub>2</sub> = carbon dioxide concentration, percent dry basis.

NOTE: It is necessary in some cases to convert measured concentration units to other units for these calculations. Use the following table for such conversions:

From	To	Multiply by
g/scm	kg/scm	10 <sup>-3</sup>
mg/scm	kg/scm	10 <sup>-6</sup>
ppm (SO <sub>2</sub> )	kg/scm	2.660 x 10 <sup>-6</sup>
ppm (SO <sub>2</sub> )	lb/scf	1.660 x 10 <sup>-7</sup>

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- 4.7.5 For the purpose of reports under 40 CFR 60.7(c), periods of excess emissions shall be all three-hour periods (or the arithmetic average of three consecutive one-hour periods) during which the integrated average sulfur dioxide emissions exceed the applicable standards under 40 CFR 60.82.  
[40 CFR 60.84; PTC No. P-040307, 12/10/04]

**4.8 Production Monitoring**

Each day, the permittee shall monitor and record the production of the East Sulfuric Acid Plant in tons/day.

[IDAPA 58.01.01.322.06, 5/1/94; PTC No. P-040307, 12/10/04]

**4.9 SO<sub>2</sub> Hourly and Annual Emission Rate Monitoring**

Using the CEMS required under Permit Condition 4.7, the Permittee shall monitor and record the SO<sub>2</sub> emissions from the East Sulfuric Acid Plant to demonstrate compliance with Permit Condition 4.1.2, as specified below:

- in pounds per hour; and
- in tons for each consecutive 12-month period;

[IDAPA 58.01.01.322.06, 5/1/94; PTC No. P-040307, 12/10/04]

**4.10 Test Methods and Procedures**

- 4.10.1 In conducting the performance tests required in 40 CFR 60.8, the owner or operator shall use as reference methods and procedures the test methods in Appendix A of 40 CFR 60 or other methods and procedures as specified in this section, except as provided in 40 CFR 60.8(b). Acceptable alternative methods and procedures are given in paragraph 4.10.3.

- 4.10.2 The owner or operator shall determine compliance with the SO<sub>2</sub>, acid mist, and visible emission standards in Permit Conditions 4.1, 4.2, and 4.3 (60.82 and 60.83) as follows:

- (1) The emission rate (E) of acid mist or SO<sub>2</sub> shall be computed for each run using the following equation:

$$E = (CQ_{sd}) / (PK)$$

where:

- E = emission rate of acid mist or SO<sub>2</sub> kg/metric ton (lb/ton) of 100 % H<sub>2</sub>SO<sub>4</sub> produced.  
C = concentration of acid mist or SO<sub>2</sub>, g/dscm (lb/dscf).  
Q<sub>sd</sub> = volumetric flow rate of the effluent gas, dscm/hr (dscf/hr).  
P = production rate of 100 % H<sub>2</sub>SO<sub>4</sub>, metric ton/hr (ton/hr).  
K = conversion factor, 1000 g/kg (1.0 lb/lb).

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- (2) Method 8 shall be used to determine the acid mist and SO<sub>2</sub> concentrations (C's) and the volumetric flow rate (Q<sub>sd</sub>) of the effluent gas. The moisture content may be considered to be zero. The sampling time and sample volume for each run shall be at least 60 minutes and 1.15 dscm (40.6 dscf).
- (3) Suitable methods shall be used to determine the production rate (P) of 100% H<sub>2</sub>SO<sub>4</sub> for each run. Material balance over the production system shall be used to confirm the production rate.
- (4) Method 9 and the procedures in 40 CFR 60.11 shall be used to determine opacity.

4.10.3 The owner or operator may use the following as alternatives to the reference methods and procedures specified in this section:

- (i) If a source processes elemental sulfur or an ore that contains elemental sulfur and uses air to supply oxygen, the following procedure may be used instead of determining the volumetric flow rate and production rate:
- (ii) The integrated technique of Method 3 is used to determine O<sub>2</sub> concentration and, if required, CO<sub>2</sub> concentration.
- (iii) The SO<sub>2</sub> or acid mist emission rate is calculated as described in 40 CFR 60.84(d), substituting the acid mist concentration for C(s) as appropriate.

[40 CFR 60.85]

## **Reporting**

### **4.11 Performance Test Protocol**

The permittee shall submit for approval to DEQ a source test protocol for each test required by Permit Condition 4.6. The test protocol shall be submitted to DEQ no later than 30 days prior to the date of the initial performance test. Once DEQ approves the test protocol, the permittee shall conduct all subsequent source tests in accordance with the approved protocol. The permittee may submit a new test protocol for review and approval in the event that there is any change in the protocol. The new test protocol shall be approved by DEQ prior to any testing in accordance with the new protocol.

[PTC No. P-040307, 12/10/04]

### **4.12 Performance Test Results**

The data and results of all emissions tests shall be reported to DEQ within 30 days of the completion of the tests. The report shall also include continuous emission monitoring data, production rates, and visible emissions data.

[PTC No. P-040307, 12/10/04]

### **4.13 Sulfur Dioxide Emissions Report**

All three-hour running average sulfur dioxide emissions and quarterly emissions of sulfuric acid mist shall be reported to DEQ in a calendar-quarterly report. The quarterly emissions of sulfuric acid mist shall be calculated by using the most recent source test emission factor multiplied by the production rate. The report shall be received by DEQ no later than 30 days after each calendar quarter.

[PTC No. P-040307, 12/10/04]

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#### 4.14 CEMS Report

All repairs or changes to the continuous emissions monitoring systems (CEMS) and any calibration problem shall be reported to DEQ within seven days and shall be included in the quarterly report.

[PTC No. P-040307, 12/10/04]

#### ***PTC General Provisions***

- 4.15 The permittee shall at all times (except as provided in the *Rules*) maintain in good working order and operate as efficiently as practicable, all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable Idaho laws for the control of air pollution.

[PTC No. P-040307, 12/10/04]

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## 5. NEBRASKA BOILER (B-5)

### Summary Description

The following is a narrative description of the B-5 Nebraska boiler regulated in this Tier I operating permit. This description is for informational purposes only.

The "B-5" gas-fired boiler generates steam for the production of phosphoric acid. The B-5 boiler must meet the following specifications, or be of equivalent design subject to DEQ approval:

Manufacturer: Nebraska Boiler Company  
Model Number: NSX-G-107-ECON  
Rated Heat Input: 213.8 MMBtu/hr  
Steam Capacity: 175,000 lb/hr  
Fuel: Natural gas

Table 5.1 describes the devices used to control emissions from the Nebraska boiler.

**Table 5.1 EMISSIONS UNITS AND EMISSIONS CONTROL DEVICES**

Source Code	Emission Unit(s) / Process(es)	Emission Control Device
S-Nb-1	Nebraska boiler (B-5)	Low NO <sub>x</sub> package boiler

Table 5.2 contains only a summary of the requirements that apply to the B-5 Nebraska boiler. Specific permit requirements are listed below Table 5.2.

**Table 5.2 APPLICABLE REQUIREMENTS SUMMARY**

Permit Conditions	Parameter	Permit Limit / Standard Summary	Applicable Requirements Reference	Operating, Monitoring and Recordkeeping Requirements
5.1	Nitrogen oxide emissions	0.20 lb/MMBtu 16.84 lb/hr 70.71 T/yr	40 CFR 60.44b <sup>(1)</sup> PTC No. 029-00003, Permit Condition 2.2, 7/7/95	5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10, 5.11, 5.13, 5.14, 5.15, 5.16, 5.17, 5.18, 5.19, 5.20, 5.21, 5.22
5.2	Particulate matter emissions PM <sub>10</sub> emissions SO <sub>2</sub> emissions CO emissions VOC emissions	1.05 lb/hr, 4.42 T/yr 1.05 lb/hr, 4.42 T/yr 0.13 lb/hr, 0.53 T/yr 8.42 lb/hr, 35.4 T/yr 0.36 lb/hr, 1.50 T/yr	PTC No. 029-00003, Permit Condition 2.1, 7/7/95	5.5, 5.6, 5.12
5.3	Particulate matter	0.015 gr/dscf corrected to 3% oxygen	IDAPA 58.01.01.677	5.5

<sup>1</sup> If any requirement in this permit conflicts with any requirement contained in 40 CFR 60 the requirement in 40 CFR 60 shall control.

### Permit Limits / Standard Summary

- 5.1 The NO<sub>x</sub> emissions from the B-5 boiler stack shall not exceed 0.20 lb/MMBtu in accordance with Permit Condition 5.1.1 and the NO<sub>x</sub> emission limits in Table 5.3.

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- 5.1.1 On and after the date the initial performance test is completed, or is required to be completed under 40 CFR 60.8 (whichever comes first), the permittee shall not cause any gases that contain nitrogen oxides (expressed as NO<sub>2</sub>) to be discharged into the atmosphere in excess of 0.10 pounds per million Btu (0.10 lb/MMBtu) heat input to the boiler at a low heat release rate (70,000 Btu/hr-ft<sup>3</sup> or less), or in excess of 0.20 pounds per million Btu (0.20 lb/MMBtu) heat input to the boiler at a high heat release rate (greater than 70,000 Btu/hr-ft<sup>3</sup>).

[40 CFR 60.44b(a); PTC No. 029-00003, Section 2.2, 8/14/96]

- 5.1.2 Compliance with the emission limit in Permit Condition 5.1.1 is determined on a 30-day rolling average basis.

[40 CFR 60.44b(l)]

- 5.2 The PM, PM<sub>10</sub>, SO<sub>2</sub>, CO and VOC emissions from the B-5 boiler exhaust stack shall not exceed any corresponding emission limit listed in Table 5.3.

[PTC No. 029-00003, Section 2.1, 7/7/95]

**Table 5.3 EMISSION LIMITS**

Source Description	PM		PM <sub>10</sub>		SO <sub>2</sub>		NO <sub>x</sub>		VOC		CO	
	lb/hr	T/yr	lb/hr	T/yr	lb/hr	T/yr	lb/hr	T/yr	lb/hr	T/yr	lb/hr	T/yr
B-5 Boiler	1.05	4.42	1.05	4.42	0.13	0.53	16.84	70.71	0.36	1.50	8.42	35.4

- 5.3 The PM emissions shall not exceed the grain-loading emission limits of 0.015 gr/dscf of effluent gas corrected to 3% oxygen by volume for natural gas.

[IDAPA 58.01.01.677, 5/1/94]

### ***Operating Requirements***

- 5.4 The boiler shall be equipped with a COEN low-NO<sub>x</sub> burner, or a DEQ-approved equivalent for the control of NO<sub>x</sub> emissions.

[PTC No. 029-00003, Section 1.2, 8/14/96]

- 5.5 The B-5 boiler shall only use natural gas as fuel.

[PTC No. 029-00003, Section 3.3, 7/7/95]

- 5.6 The B-5 boiler shall not burn more than 1,768,000,000 scf of natural gas fuel per year.

[PTC No. 029-00003, Section 3.4, 7/7/95]

### ***Monitoring & Recordkeeping Requirements***

#### **5.7 NO<sub>x</sub> Performance Test**

Compliance with the NO<sub>x</sub> emission standards under Permit Condition 5.1 (40 CFR 60.44b) of this permit shall be determined through performance testing under Permit Condition 5.8 or 5.9 (40 CFR 60.46b(e) or (g)). This performance test, and any subsequent performance tests conducted to demonstrate compliance with this permit, shall be performed in accordance with IDAPA 58.01.01.157.

[40 CFR 60.46b(c)]

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5.8 To determine compliance with the emission limits for nitrogen oxides required under 40 CFR 60.44b, the owner or operator of an affected facility shall conduct the performance test as required under 40 CFR 60.8 using the continuous system for monitoring nitrogen oxides under Permit Condition 5.10 (40 CFR 60.48(b)).

- 1) In accordance with 40 CFR 60.46b(e)(4), following the date on which the initial performance test is completed or required to be completed under 40 CFR 60.8 of 40 CFR 60, whichever date comes first, the owner or operator of an affected facility which has a heat input capacity of 73 MW (250 MMBtu/hr) or less and which combusts natural gas, distillate oil, or residual oil having a nitrogen content of 0.30 weight percent or less shall upon request determine compliance with the nitrogen oxides standards under 40 CFR 60.44b through the use of a 30-day performance test. During periods when performance tests are not requested, nitrogen oxides emissions data collected pursuant to 40 CFR 60.48b(g)(1) or 40 CFR 60.48b(g)(2) are used to calculate a 30-day rolling average emission rate on a daily basis and used to prepare excess emission reports, but will not be used to determine compliance with the nitrogen oxides emission standards. A new 30-day rolling average emission rate is calculated each steam generating unit operating day as the average of all of the hourly nitrogen oxides emission data for the preceding 30 steam-generating unit operating days.

**[40 CFR 60.46b(e)]**

5.9 The owner or operator of an affected facility described in 40 CFR 60.44b(j) or 40 CFR 60.44b(k) shall demonstrate the maximum heat input capacity of the steam-generating unit by operating the facility at maximum capacity for 24 hours. The owner or operator of an affected facility shall determine the maximum heat input capacity using the heat loss method described in Sections 5 and 7.3 of the American Society for Mechanical Engineers (ASME) Power Test Codes 4.1 (see IBR 40 CFR 60.17(h)). This demonstration of maximum heat input capacity shall be made during the initial performance test for affected facilities that meet the criteria of 40 CFR 60.44b(j). It shall be made within 60 days after achieving the maximum production rate at which the affected facility will be operated, but no later than 180 days after initial start-up of each facility, for affected facilities meeting the criteria of 40 CFR 60.44b(k). Subsequent demonstrations may be required by the Administrator at any other time. If this demonstration indicates that the maximum heat input capacity of the affected facility is less than that stated by the manufacturer of the affected facility, the maximum heat input capacity determined during this demonstration shall be used to determine the capacity utilization rate for the affected facility. Otherwise, the maximum heat input capacity provided by the manufacturer is used.

**[40 CFR 60.46b(g)]**

5.10 The owner or operator of an affected facility that has a heat input capacity of 73 MW (250 MMBtu/hr) or less, and which has an annual capacity factor for residual oil having a nitrogen content of 0.30 weight percent or less, natural gas, distillate oil, or any mixture of these fuels, greater than 10% (0.10) shall:

- (1) Comply with the provisions of 40 CFR 60.48b(b) through 40 CFR 60.48b(f), or
- (2) Monitor steam-generating unit operating conditions and predict nitrogen oxides emission rates as specified in a plan submitted pursuant to Permit Condition 5.15.2 (40 CFR 60.49b(c)).

**[40 CFR 60.48b(g)]**

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5.11 The permittee shall monitor and record the following data as specified in 40 CFR 60.49b(g):

5.11.1 Calendar date.

5.11.2 The average hourly NO<sub>x</sub> emission rates in lb/MMBtu and lb/hr.

5.11.3 The 30-day average NO<sub>x</sub> emission rates calculated at the end of each operating day from measured or predicted hourly NO<sub>x</sub> emission rates for the preceding 30 operating days.

5.11.4 Identification of boiler operating days when the average 30-day NO<sub>x</sub> emission rates exceed the standard, with an explanation of the cause of the exceedance and the corrective action taken to remedy the cause of the exceedance.

5.11.5 Identification of the boiler operating days for which NO<sub>x</sub> data have not been obtained, including the reasons for not obtaining sufficient data and a description of the correction actions taken.

5.11.6 A list of the times when data were excluded from the 30-day NO<sub>x</sub> emission average calculations because of a unit start-up, shut-down, malfunction, or other reasons and the reasons for excluding data.

5.11.7 Identification of "F" factor used for calculations, method of determination, and type of fuel combusted.

5.11.8 Identification of the times when the pollutant concentration exceeded full span of the continuous monitoring system.

5.11.9 Description of any modifications to the continuous monitoring system which could affect the ability of the continuous monitoring system to comply with Performance Specifications 2 or 3.

5.11.10 Results of daily CEMS drift tests and quarterly accuracy assessments as required under Appendix F, Procedure 1.

**[40 CFR 60.49b(g); PTC No. 029-00003, Section 4.4, 7/7/95]**

5.12 The permittee shall monitor and record the cumulative volume of natural gas fuel consumption on a monthly basis and per each consecutive 12-month period.

**[PTC No. 029-00003, Section 4.5, 7/7/95; IDAPA 58.01.01.322.06]**

**5.13 Performance Tests**

5.13.1 Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility and at such other times as may be required by the Administrator under section 114 of the Act, the owner or operator of such facility shall conduct performance test(s) and furnish the Administrator a written report of the results of such performance test(s).

**[40 CFR 60.8(a)]**

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- 5.13.2 Performance tests shall be conducted and data reduced in accordance with the test methods and procedures contained in each applicable subpart unless the Administrator:
- (1) specifies or approves, in specific cases, the use of a reference method with minor changes in methodology,
  - (2) approves the use of an equivalent method,
  - (3) approves the use of an alternative method the results of which he has determined to be adequate for indicating whether a specific source is in compliance,
  - (4) waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the affected facility is in compliance with the standard, or
  - (5) approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors. Nothing in this paragraph shall be construed to abrogate the Administrator's authority to require testing under section 114 of the Clean Air Act.

[40 CFR 60.8(b)]

- 5.13.3 Performance tests shall be conducted under such conditions as the Administrator shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard.

[40 CFR 60.8(c)]

- 5.13.4 The owner or operator of an affected facility shall provide the Administrator at least 30 days prior notice of any performance test, except as specified under other subparts, to afford the Administrator the opportunity to have an observer present. If after 30 days notice for an initially scheduled performance test, there is a delay (due to operational problems, etc.) in conducting the scheduled performance test, the owner or operator of an affected facility shall notify the Administrator (or delegated State or local agency) as soon as possible of any delay in the original test date, either by providing at least seven days prior notice of the rescheduled date of the performance test, or by arranging a rescheduled date with the Administrator (or delegated State or local agency) by mutual agreement.

[40 CFR 60.8(d)]

- 5.13.5 The owner or operator of an affected facility shall provide, or cause to be provided, performance testing facilities as follows:

- (1) Sampling ports adequate for test methods applicable to such facility. This includes (i) constructing the air pollution control system such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and procedures and (ii) providing a stack or duct free of cyclonic flow during performance tests, as demonstrated by applicable test methods and procedures.

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- (2) Safe sampling platform(s).
- (3) Safe access to sampling platform(s).
- (4) Utilities for sampling and testing equipment.

[40 CFR 60.8(e)]

5.13.6 Unless otherwise specified in the applicable subpart, each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances, beyond the owner or operator's control, compliance may, upon the Administrator's approval, be determined using the arithmetic mean of the results of the two other runs.

[40 CFR 60.8(f)]

#### 5.14 Compliance with Standards

At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

[40 CFR 60.11(d)]

5.15 For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard in 40 CFR 60, nothing in 40 CFR 60 shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.

[40 CFR 60.11(g)]

#### 5.16 Circumvention

No owner or operator subject to the provisions of 40 CFR 60 shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.

[40 CFR 60.12]

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**5.17     40 CFR 60, Subpart A, Monitoring Requirements**

For the purposes of this section, all continuous monitoring systems required under applicable subparts shall be subject to the provisions of this section upon promulgation of performance specifications for continuous monitoring systems under Appendix B to 40 CFR 60, and, if the continuous monitoring system is used to demonstrate compliance with emission limits on a continuous basis, Appendix F to 40 CFR 60, unless specified in an applicable subpart or by the Administrator. Appendix F is applicable December 4, 1987.

**[40 CFR 60.13(a)]**

- 5.17.1 All continuous monitoring systems and monitoring devices shall be installed and operational prior to conducting performance tests under 40 CFR 60.8. Verification of operational status shall, as a minimum, include completion of the manufacturer's written requirements or recommendations for installation, operation, and calibration of the device.

**[40 CFR 60.13(b)]**

- 5.17.2 Owners and operators of a CEMS installed in accordance with the provisions of 40 CFR 60, must automatically check the zero (or low level value between zero and 20% of span value) and span (50 to 100% of span value) calibration drifts at least once daily in accordance with a written procedure. The zero and span must, as a minimum, be adjusted whenever either the 24-hour zero drift or the 24-hour span drift exceeds two times the limit of the applicable performance specification in Appendix B of 40 CFR 60. The system must allow the amount of the excess zero and span drift to be recorded and quantified whenever specified.

**[40 CFR 60.13(d)]**

- 5.17.3 Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required under paragraph (d) of this section, all continuous monitoring systems shall be in continuous operation and shall meet minimum frequency of operation requirements as follows:

- (1) In accordance with 40 CFR 60.13(e)(2), all continuous monitoring systems referenced by paragraph (c) of this section for measuring emissions, except opacity, shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.

**[40 CFR 60.13(e)]**

- 5.17.4 All continuous monitoring systems or monitoring devices shall be installed such that representative measurements of emissions or process parameters from the affected facility are obtained. Additional procedures for location of continuous monitoring systems contained in the applicable Performance Specifications of Appendix B of 40 CFR 60 shall be used.

**[40 CFR 60.13(f)]**

- 5.17.5 Owners or operators of all continuous monitoring systems for measurement of opacity shall reduce all data to six-minute averages and for continuous monitoring systems other than opacity to one-hour averages for time periods as defined in 40 CFR 60.2. Six-minute opacity averages shall be calculated from 36 or more data points equally spaced over each six-minute period. For continuous monitoring systems other than opacity, one-hour averages shall be computed from four or more data points equally spaced over each one-hour period. Data recorded during periods of continuous system breakdown, repair, calibration checks, and zero and span adjustments shall not be included in the data

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averages computed under this paragraph. For owners and operators complying with the requirements in 40 CFR 60.7(f)(1) or (2), data averages must include any data recorded during periods of monitor breakdown or malfunction.

An arithmetic or integrated average of all data may be used. The data may be recorded in reduced or nonreduced form (e.g., ppm pollutant and percent O<sub>2</sub> or ng of pollutant per J of heat input). All excess emissions shall be converted into units of the standard using the applicable conversion procedures specified in subparts. After conversion into units of the standard, the data may be rounded to the same number of significant digits as used in the applicable subparts to specify the emission limit (e.g., rounded to the nearest 1% opacity).

**[40 CFR 60.13(h)]**

5.17.6 After receipt and consideration of written application, the Administrator may approve alternatives to any monitoring procedures or requirements of 40 CFR 60 including, but not limited to the following:

- (1) Alternative monitoring requirements when installation of a continuous monitoring system or monitoring device specified by 40 CFR 60 would not provide accurate measurements due to liquid water or other interferences caused by substances in the effluent gases
- (2) Alternative monitoring requirements when the affected facility is infrequently operated.
- (3) Alternative monitoring requirements to accommodate continuous monitoring systems that require additional measurements to correct for stack moisture conditions.
- (4) Alternative locations for installing continuous monitoring systems or monitoring devices when the owner or operator can demonstrate that installation at alternate locations will enable accurate and representative measurements.
- (5) Alternative methods of converting pollutant concentration measurements to units of the standards.
- (6) Alternative procedures for performing daily checks of zero and span drift that do not involve use of span gases or test cells.
- (7) Alternatives to the A.S.T.M. test methods or sampling procedures specified by any subpart.
- (8) Alternative continuous monitoring systems that do not meet the design or performance requirements in Performance Specification 1, Appendix B, but adequately demonstrate a definite and consistent relationship between its measurements and the measurements of opacity by a system complying with the requirements in Performance Specification 1. The Administrator may require that such demonstration be performed for each affected facility.
- (9) Alternative monitoring requirements when the effluent from a single affected facility or the combined effluent from two or more affected facilities is released to the atmosphere through more than one point.

**[40 CFR 60.13(i)]**

5.17.7 An alternative to the relative accuracy (RA) test specified in Performance Specification 2 of 40 CFR 60, Appendix B may requested as follows:

- (1) An alternative to the reference method tests for determining RA is available for sources with emission rates demonstrated to be less than 50% of the applicable standard. A source owner or

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operator may petition the Administrator to waive the relative accuracy test in Section 8.4 of Performance Specification 2 and substitute the procedures in Section 16.0 if the results of a performance test conducted according to the requirements in 40 CFR 60.8 or other tests performed following the criteria in 40 CFR 60.8 demonstrate that the emission rate of the pollutant of interest in the units of the applicable standard is less than 50% of the applicable standard. For sources subject to standards expressed as control efficiency levels, a source owner or operator may petition the Administrator to waive the RA test and substitute the procedures in Section 16.0 of Performance Specification 2 if the control device exhaust emission rate is less than 50% of the level needed to meet the control efficiency requirement. The alternative procedures do not apply if the continuous emission monitoring system is used to determine compliance continuously with the applicable standard. The petition to waive the RA test shall include a detailed description of the procedures to be applied. Included shall be location and procedure for conducting the alternative, the concentration or response levels of the alternative RA materials, and the other equipment checks included in the alternative procedure. The Administrator will review the petition for completeness and applicability. The determination to grant a waiver will depend on the intended use of the CEMS data (e.g., data collection purposes other than NSPS) and may require specifications more stringent than in Performance Specification 2 (e.g., the application emission limit is more stringent than NSPS).

- (2) The waiver of a CEMS RA test will be reviewed and may be rescinded at such time, following successful completion of the alternative RA procedure, that the CEMS data indicate that the source emissions are approaching the level. The criterion for reviewing the waiver is the collection of CEMS data showing that emissions have exceeded 70% of the applicable standard for seven, consecutive, averaging periods as specified by the applicable regulation(s). For sources subject to standards expressed as control efficiency levels, the criterion for reviewing the waiver is the collection of CEMS data showing that exhaust emissions have exceeded 70% of the level needed to meet the control efficiency requirement for seven consecutive, averaging periods as specified by the applicable regulation(s) (e.g., 40 CFR 60.45(g)(2) and (3), 40 CFR 60.73(e), and 40 CFR 60.84(e)). It is the responsibility of the source operator to maintain records and determine the level of emissions relative to the criterion on the waiver of RA testing. If this criterion is exceeded, the owner or operator must notify the Administrator within 10 days of such occurrence and include a description of the nature and cause of the increasing emissions. The Administrator will review the notification and may rescind the waiver and require the owner or operator to conduct a RA test of the CEMS as specified in Section 8.4 of Performance Specification 2.

[40 CFR 60.13(j)]

### **Reporting**

- 5.18 The owner or operator of each affected facility shall submit notification of the date of initial startup, as provided by 40 CFR 60.7. This notification shall include:
- (1) The design heat input capacity of the affected facility and identification of the fuels to be combusted in the affected facility,
  - (2) In accordance with 40 CFR 60.49b(a)(3), the annual capacity factor at which the owner or operator anticipates operating the facility based on all fuels fired and based on each individual fuel fired, and,

[40 CFR 60.49b(a)]

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- 5.18.1 The owner or operator of each affected facility subject to sulfur dioxide, particulate matter, and/or nitrogen oxides emission limits under 40 CFR 60.42b, 40 CFR 60.43b, and 40 CFR 60.44b shall submit to the Administrator the performance test data from the initial performance test and the performance evaluation of the CEMS using the applicable performance specifications in Appendix B. The owner or operator of each affected facility described in 40 CFR 60.44b(j) or 40 CFR 60.44b(k) shall submit to the Administrator the maximum heat input capacity data from the demonstration of the maximum heat input capacity of the affected facility.

**[40 CFR 60.49b(b)]**

- 5.18.2 The owner or operator of each affected facility subject to the nitrogen oxides standard of 60.44b who seeks to demonstrate compliance with those standards through the monitoring of steam generating unit operating conditions under the provisions of 40 CFR 60.48b(g)(2) shall submit to the Administrator for approval a plan that identifies the operating conditions to be monitored under 40 CFR 60.48b(g)(2) and the records to be maintained under 40 CFR 60.49b(j). This plan shall be submitted to the Administrator for approval within 360 days of the initial startup of the affected facility. The plan shall:

- (1) Identify the specific operating conditions to be monitored and the relationship between these operating conditions and nitrogen oxides emission rates (i.e., ng/J or lbs/million Btu heat input). Steam-generating unit operating conditions include, but are not limited to, the degree of staged combustion (i.e., the ratio of primary air to secondary and/or tertiary air) and the level of excess air (i.e., flue gas oxygen level);
- (2) Include the data and information which the owner or operator used to identify the relationship between nitrogen oxides emission rates and these operating conditions;
- (3) Identify how these operating conditions, including steam generating unit load, will be monitored under 40 CFR 60.48b(g) on an hourly basis by the owner or operator during the period of operation of the affected facility; the quality assurance procedures or practices that will be employed to ensure that the data generated by monitoring these operating conditions will be representative and accurate; and the type and format of the records of these operating conditions, including steam-generating unit load, that will be maintained by the owner or operator under 40 CFR 60.49b(j).

If the plan is approved, the owner or operator shall maintain records of predicted nitrogen oxide emission rates and the monitored operating conditions, including steam generating unit load, identified in the plan.

**[40 CFR 60.49b(c)]**

- 5.18.3 The owner or operator of an affected facility shall record and maintain records of the amounts of each fuel combusted during each day and calculate the annual capacity factor individually for coal, distillate oil, residual oil, natural gas, wood, and municipal-type solid waste for the reporting period. The annual capacity factor is determined on a 12-month rolling average basis with a new annual capacity factor calculated at the end of each calendar month.

**[40 CFR 60.49b(a)-(d)]**

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5.19 The owner or operator of any affected facility in any category listed in Paragraphs (h)(1) or (2) of this section is required to submit excess emission reports for any excess emissions which occurred during the reporting period.

- (1) Any affected facility subject to the opacity standards under 40 CFR 60.43b(e) or to the operating parameter monitoring requirements under 40 CFR 60.13(i)(1).
- (2) Any affected facility that is subject to the nitrogen oxides standard of 40 CFR 60.44b;
  - (i) Combusts natural gas, distillate oil, or residual oil with a nitrogen content of 0.3 weight percent or less; or
  - (ii) Has a heat input capacity of 73 MW (250 million Btu/hour) or less, and is required to monitor nitrogen oxides emissions on a continuous basis under 40 CFR 60.48b(g)(1) or steam generating unit operating conditions under 40 CFR 60.48b(g)(2).
- (3) Not applicable.
- (4) For purposes of 40 CFR 60.48b(g)(1), excess emissions are defined as any calculated 30-day rolling average nitrogen oxides emission rate, as determined under 40 CFR 60.46b(e), which exceeds the applicable emission limits in 40 CFR 60.44b.

**[40 CFR 60.49b(h)]**

5.20 The owner or operator of any affected facility subject to the continuous monitoring requirements for nitrogen oxides under 40 CFR 60.48(b) shall submit reports containing the information recorded under paragraph (g) of this section.

**[40 CFR 60.49b(i)]**

**5.21 Address**

5.21.1 All requests, reports, applications, submittals, and other communications to the Administrator pursuant to 40 CFR 60 shall be submitted in duplicate to the appropriate Regional Office of the EPA to the attention of the Director of the Division indicated in the following list of EPA Regional Offices. Copies of all information required to be submitted to the EPA for applicable NSPS requirements, shall also be submitted to DEQ at the address given in Section 1 of this permit.

Region 10  
Director, Air and Waste Management Division  
EPA  
1200 Sixth Ave.  
Seattle, WA 98101

**[40 CFR 60.4(a); IDAPA 58.01.01.322.08]**

**5.22 Notification and Recordkeeping**

Any owner or operator subject to the provisions of 40 CFR 60 shall furnish the Administrator written notification or, if acceptable to both the Administrator and the owner or operator of a source, electronic notification, as follows:

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- (1) A notification of the date construction (or reconstruction as defined under 40 CFR 60.15 of an affected facility is commenced postmarked no later than 30 days after such date. This requirement shall not apply in the case of mass-produced facilities which are purchased in completed form.
- (2) (Reserved).
- (3) A notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.
- (4) A notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted under an applicable subpart or in 40 CFR 60.14(e). This notice shall be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional relevant information subsequent to this notice.
- (5) A notification of the date upon which demonstration of the continuous monitoring system performance commences in accordance with 40 CFR 60.13(c). Notification shall be postmarked not less than 30 days prior to such date.
- (6) A notification of the anticipated date for conducting the opacity observations required by 40 CFR 60.11(e)(1) of 40 CFR 60. The notification shall also include, if appropriate, a request for the Administrator to provide a visible emissions reader during a performance test. The notification shall be postmarked not less than 30 days prior to such date.
- (7) A notification that continuous opacity monitoring system data results will be used to determine compliance with the applicable opacity standard during a performance test required by 40 CFR 60.8 in lieu of Method 9 observation data as allowed by 40 CFR 60.11(e)(5) of 40 CFR 60. This notification shall be post-marked not less than 30 days prior to the date of the performance test.  
**[40 CFR 60.7(a)]**

5.22.1 Any owner or operator subject to the provisions of 40 CFR 60 shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

**[40 CFR 60.7(b)]**

5.22.2 Each owner or operator required to install a continuous monitoring device shall submit excess emissions and monitoring systems performance report (excess emissions are defined in applicable subparts) and-or summary report form (see paragraph (d) of this section) to the Administrator semiannually, except when: more frequent reporting is specifically required by an applicable subpart; or the Administrator, on a case-by-case basis, determines that more frequent reporting is necessary to accurately assess the compliance status of the source. All reports shall be postmarked by the 30th day following the end of each six-month period. Written reports of excess emissions shall include the following information:

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- (1) The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h), any conversion factor(s) used, and the date and time of commencement and completion of each time period of excess emissions. The process operating time during the reporting period.
- (2) Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the affected facility. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted.
- (3) The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments.
- (4) When no excess emissions have occurred or the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the report.

**[40 CFR 60.7(c)]**

5.22.3 The summary report form shall contain the information and be in the format shown in Figure 1 unless otherwise specified by the Administrator. One summary report form shall be submitted for each pollutant monitored at each affected facility.

- (1) If the total duration of excess emissions for the reporting period is less than 1% of the total operating time for the reporting period and CMS downtime for the reporting period is less than 5% of the total operating time for the reporting period, only the summary report form shall be submitted and the excess emission report described in 40 CFR 60.7(c) need not be submitted unless requested by the Administrator.
- (2) If the total duration of excess emissions for the reporting period is 1% or greater of the total operating time for the reporting period or the total CMS downtime for the reporting period is 5% or greater of the total operating time for the reporting period, the summary report form and the excess emission report described in 40 CFR 60.7(c) shall both be submitted.

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**Summary Report - Gaseous and Opacity Excess Emission and Monitoring System Performance**

Pollutant (Circle One: SO<sub>2</sub> / NO<sub>x</sub> / TRS / H<sub>2</sub>S / CO / Opacity)

Reporting period dates: From \_\_\_\_\_ to \_\_\_\_\_

Company: \_\_\_\_\_

Emission Limitation: \_\_\_\_\_

Address: \_\_\_\_\_

Monitor Manufacturer and Model No.: \_\_\_\_\_

Date of Latest CMS Certification or Audit: \_\_\_\_\_

Process Unit(s) Description: \_\_\_\_\_

Total source operating time in reporting period<sup>1</sup>: \_\_\_\_\_

Emission Data Summary <sup>1</sup>	CMS Performance Summary <sup>1</sup>
1. Duration of excess emissions in reporting due to:	1. CMS downtime in reporting period due to:
a. Startup/shutdown _____	a. Monitor equipment malfunctions _____
b. Control equipment problems _____	b. Non-Monitor equipment malfunctions _____
c. Process problems _____	c. Quality assurance calibration _____
d. Other known causes _____	d. Other known causes _____
e. Unknown causes _____	e. Unknown causes _____
2. Total duration of excess emission _____	2. Total CMS downtime _____
3. Total duration of excess emissions x (100) [Total source operating time] % <sup>2</sup>	3. [Total CMS Downtime] x (100) [Total source operating time] % <sup>2</sup>

<sup>1</sup> For opacity, record all times in minutes. For gases, record all times in hours.

<sup>2</sup> For the reporting period: If the total duration of excess emissions is 1% or greater of the total operating time or the total CMS downtime is 5% or greater of the total operating time, both the summary report form and the excess emission report described in 40 CFR 60.7(c) shall be submitted.

On a separate page, describe any changes since last quarter in CMS, process or controls. I certify that the information contained in this report is true, accurate, and complete.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

[40 CFR 60.7(d)]

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- 5.22.4 (1) Notwithstanding the frequency of reporting requirements specified in paragraph (c) of this section, an owner or operator who is required by an applicable subpart to submit excess emissions and monitoring systems performance reports (and summary reports) on a quarterly (or more frequent) basis may reduce the frequency of reporting for that standard to semiannual if the following conditions are met:
- (i) For one full year (e.g., four quarterly or 12 monthly reporting periods) the affected facility's excess emissions and monitoring systems reports submitted to comply with a standard under 40 CFR 60 continually demonstrate that the facility is in compliance with the applicable standard;
  - (ii) The owner or operator continues to comply with all recordkeeping and monitoring requirements specified in 40 CFR 60 Subpart A and the applicable standard; and
  - (iii) The Administrator does not object to a reduced frequency of reporting for the affected facility, as provided in paragraph (e)(2) of this section.
- (2) The frequency of reporting of excess emissions and monitoring systems performance (and summary) reports may be reduced only after the owner or operator notifies the Administrator in writing of his or her intention to make such a change and the Administrator does not object to the intended change. In deciding whether to approve a reduced frequency of reporting, the Administrator may review information concerning the source's entire previous performance history during the required recordkeeping period prior to the intended change, including performance test results, monitoring data, and evaluations of an owner or operator's conformance with operation and maintenance requirements. Such information may be used by the Administrator to make a judgment about the source's potential for noncompliance in the future. If the Administrator disapproves the owner or operator's request to reduce the frequency of reporting, the Administrator will notify the owner or operator in writing within 45 days after receiving notice of the owner or operator's intention. The notification from the Administrator to the owner or operator will specify the grounds on which the disapproval is based. In the absence of a notice of disapproval within 45 days, approval is automatically granted.
- (3) As soon as monitoring data indicate that the affected facility is not in compliance with any emission limitation or operating parameter specified in the applicable standard, the frequency of reporting shall revert to the frequency specified in the applicable standard, and the owner or operator shall submit an excess emissions and monitoring systems performance report (and summary report, if required) at the next appropriate reporting period following the noncomplying event. After demonstrating compliance with the applicable standard for another full year, the owner or operator may again request approval from the Administrator to reduce the frequency of reporting for that standard as provided for in paragraphs (e)(1) and (e)(2) of this section.

[40 CFR 60.7(e)]

- 5.22.5 Any owner or operator subject to the provisions of 40 CFR 60 shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by 40 CFR 60 recorded in a permanent form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, maintenance, reports, and records, except as follows;

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- (1) This paragraph applies to owners or operators required to install a continuous emissions monitoring system (CEMS) where the CEMS installed is automated, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. An automated CEMS records and reduces the measured data to the form of the pollutant emission standard through the use of a computerized data acquisition system. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (f) of this section, the owner or operator shall retain the most recent consecutive three averaging periods of subhourly measurements and a file that contains a hard copy of the data acquisition system algorithm used to reduce the measured data into the reportable form of the standard.
- (2) This paragraph applies to owners or operators required to install a CEMS where the measured data is manually reduced to obtain the reportable form of the standard, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (f) of this section, the owner or operator shall retain all subhourly measurements for the most recent reporting period. The subhourly measurements shall be retained for 120 days from the date of the most recent summary or excess emission report submitted to the Administrator.
- (3) The Administrator or delegated authority, upon notification to the source, may require the owner or operator to maintain all measurements as required by paragraph (f) of this section, if the Administrator or the delegated authority determines these records are required to more accurately assess the compliance status of the affected source.

[40 CFR 60.7(f)]

- 5.22.6 (g) If notification substantially similar to that in paragraph (a) of this section is required by any other State or local agency, sending the Administrator a copy of that notification will satisfy the requirements of Paragraph (a) of this section.

[40 CFR 60.7(g)]

- 5.22.7 (h) Individual subparts of 40 CFR 60 may include specific provisions which clarify or make inapplicable the provisions set forth in this section.

[40 CFR 60.7(h)]

**PTC General Provisions**

- 5.23 The permittee shall at all times (except as provided in the *Rules*) maintain in good working order and operate as efficiently as practicable, all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable Idaho laws for the control of air pollution.

[PTC No. 029-00003, General Provision B, 7/7/95]

- 5.24 The performance tests will be performed at the maximum production rate. If this maximum rate is not achieved during testing, the allowable production rate will be limited to the production rate attained during testing.

[PTC No. 029-00003, General Provision F, 7/7/95]

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## 6. WET PROCESS PHOSPHORIC ACID PLANT

### Summary Description

The following is a narrative description of the phosphoric acid plant regulated in this Tier I operating permit. This description is for informational purposes only.

Phosphate rock is fed, along with water, sulfuric acid, and recycle acid, into a series of seven cells: the first five being "reactors" and the last two being "digesters". Here it is mixed together and circulated while a chemical reaction takes place forming a slurry of phosphoric acid (approximately 30%  $P_2O_5$ ) and crystals of calcium sulfate known as phosphogypsum. The slurry is fed to a pair of circular pan filters where the 30% acid is separated from the gypsum. The phosphogypsum is slurried to an impoundment, commonly referred to as a "gyp stack." The 30% acid is sometimes sold at that concentration to other suppliers and users. However, most of the acid is concentrated using a series of eight evaporators which use steam heaters and vacuum systems with condensers to remove some of the water. This acid is stored in tanks and some of it is sold as Merchant Grade Acid. Some of it is further upgraded to super phosphoric acid (70%  $P_2O_5$ ) using special evaporators with natural gas-fired Therminol heaters to provide the necessary high temperature needed and is then stored in other tanks. The super phosphoric acid is further upgraded by removing impurities using three filters before it is loaded on trucks and railcars. Some of the intermediate grades of fertilizer are pumped to the granulation plant for use in dry granulated fertilizer production.

The purified phosphoric acid (PPA) process converts green acid (27%  $P_2O_5$ ) produced by the phosphoric acid plant to food-grade PPA (61%  $P_2O_5$ ) with a solvent extraction process. The PPA plant is not subject to the MACT requirements because it does not use methyl isobutyl ketone (MIBK) as a solvent in the process.

Table 6.1 describes the devices used to control emissions from the wet process phosphoric acid plant.

**Table 6.1 EMISSIONS UNITS AND EMISSIONS CONTROL DEVICES**

Source Code	Emission Unit(s) / Process(es)	Emission Control Device
S-Pa-1	Phosphoric acid process	Multi-stage horizontal cross-flow scrubber (A-Pa-1)
S-Pb-1	Superphosphoric acid process	Multi-stage horizontal cross-flow scrubber (A-Pb-1)
S-Pp-1	Purified phosphoric acid process	Sulfiding vent scrubber (A-Pp-1) (TAG. No. CP-4535101) Filter aid silo baghouse (A-Pp-2) (TAG. No. CP-5136101) Conditioning vent scrubber (A-Pp-3) (TAG. No. CP-4536101)
S-Pa-2a and 2b	Thermal fluid heaters	S-Pa-2a is equipped to control $O_2$ in combustion air

Table 6.2 contains only a summary of the requirements that apply to the phosphoric acid plant. Specific permit requirements are listed below Table 6.2.

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**Table 6.2 APPLICABLE REQUIREMENTS SUMMARY<sup>1</sup>**

<b>Permit Conditions</b>	<b>Parameter</b>	<b>Permit Limit / Standard Summary</b>	<b>Applicable Requirements Reference</b>	<b>Monitoring and Recordkeeping Requirements</b>
6.1	Fluoride emissions from wet process phosphoric acid line	6.750 gram / metric ton of equivalent P <sub>2</sub> O <sub>5</sub> feed (0.01350 lb/ton)	40 CFR 63.603(a) <sup>(2)</sup>	6.6, 6.9, 6.10, 6.11, 6.12, 6.13, 6.14, 6.15, 6.18, 6.19, 6.20, 6.21, 6.24, 6.28, 6.29, 6.30, 6.31, 6.32, 6.33, 6.34
6.2	Fluoride emissions from superphosphoric acid process line	4.350 gram/metric ton of equivalent P <sub>2</sub> O <sub>5</sub> feed (0.00870 lb/ton)	40 CFR 63.603(b) <sup>(2)</sup>	6.6, 6.11, 6.12, 6.13, 6.14, 6.15, 6.18, 6.19, 6.20, 6.21, 6.24, 6.28, 6.29, 6.30, 6.31, 6.33, 6.34
6.3	Nitrogen oxide emissions from superphosphoric Acid process line	Five tons per year	PTC No. P-040320	6.8, 6.23, 6.35
6.4	Radon -222	20 pCi/(m <sup>2</sup> -sec)	40 CFR 61.202	6.25, 6.26
6.5	Particulate matter	Process Weight Limitations	IDAPA 58.01.01.701	6.11, 6.12, 6.27
6.6	Emission from PPA process	Solvent emissions	PTC No. P-040320	6.10, 6.16, 6.17, 6.23

<sup>1</sup>As determined by a pollutant-specific EPA reference method, DEQ approved alternative, or as determined by DEQ's emissions estimation methods used in the PTC application analysis.

<sup>2</sup>If any requirement in this permit conflicts with any requirement contained in 40 CFR 63, the requirement in 40 CFR 63 shall control.

### ***Permit Limits / Standard Summary***

#### **6.1 Fluoride - Wet Process Phosphoric Acid Process Line Requirement**

On and after the date on which the performance test required to be conducted by 40 CFR 63.7 and 63.606 is required to be completed, no owner or operator subject to the provisions of 40 CFR 63, Subpart AA shall cause to be discharged into the atmosphere from any affected source any gases which contain total fluorides in excess of 6.750 gram/metric ton of equivalent P<sub>2</sub>O<sub>5</sub> feed (0.01350 lb/ton). 40 CFR 63.601 defines a wet process phosphoric acid process line as any process line manufacturing phosphoric acid by reacting phosphate rock and acid. The Conditioning Vent Scrubber System is part of the Phosphoric Acid Production Process.

**[40 CFR 63.603(a); PTC No. P-040320, April 28, 2006]**

#### **6.2 Fluoride - Superphosphoric Acid Process Line Requirement**

On and after the date on which the performance test required to be conducted by 40 CFR 63.7 and 63.606 is required to be completed, no owner or operator subject to the provisions of 40 CFR 63, Subpart AA shall cause to be discharged into the atmosphere from any affected source any gases which contain total fluorides in excess of 4.350 gram/metric ton of equivalent P<sub>2</sub>O<sub>5</sub> feed (0.00870 lb/ton). As required by 40 CFR 63.601 defines a superphosphoric acid process line as "any process line which concentrates wet-process phosphoric acid to 66% or greater P<sub>2</sub>O<sub>5</sub> by weight."

**[40 CFR 63.603(b); PTC No. P-040320, April 28, 2006]**

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**6.3 NO<sub>x</sub> - Superphosphoric Acid Oxidation Process**

Emissions of NO<sub>x</sub> from the Superphosphoric Acid Oxidation Process shall not exceed five tons per any consecutive 12-month period.

[PTC No. P-040320, April 28, 2006]

**6.4 Radon - Phosphogypsum Stack**

Each person who generates phosphogypsum shall place all phosphogypsum in stacks. Phosphogypsum may be removed from a phosphogypsum stack only as expressly provided by 40 CFR 61, Subpart R. After a phosphogypsum stack has become an inactive stack, the owner or operator shall assure that the stack does not emit more than 20 pCi/(m<sup>2</sup>-sec) (1.9 pCi/(ft<sup>2</sup>-sec)) of radon-222 into the air.

[40 CFR 61.202]

**6.5 PM - Process Weight PM Emissions Limitations**

No person shall emit into the atmosphere from any process or process equipment commencing operation on or after October 1, 1979, particulate matter in excess of the amount shown by the following equations, where *E* is the allowable emission from the entire source in pounds per hour, and *PW* is the process weight in pounds per hour.

- a. If *PW* is less than 9,250 lb/hr,

$$E = 0.045(PW)^{0.6}$$

- b. If *PW* is equal to or greater than 9,250 lb/hr,

$$E = 1.10(PW)^{0.25}$$

[IDAPA 58.01.01.701, 4/5/00]

***Operating Requirements*****6.6 Pressure Drops and Flow Rates for Wet Scrubbers**

On or after the date on which the performance test required to be conducted by 40 CFR 63.7 and 63.606 is completed, the owner/operator using a wet scrubbing emission control system must maintain daily averages of the pressure drop across each scrubber and of the flow rate of the scrubbing liquid to each scrubber within the allowable ranges established pursuant to the requirements of 40 CFR 63.605(d)(1) or (2).

[40 CFR 63.604; PTC No. P-040320, April 28, 2006]

**6.7 P<sub>2</sub>O<sub>5</sub> Throughput - Superphosphoric Acid Process**

The equivalent P<sub>2</sub>O<sub>5</sub> feed to the Superphosphoric Acid Process Line shall not exceed 345,000 tons per any consecutive 12-month period (T/yr).

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#### 6.8 Superphosphoric Acid Oxidation Process NO<sub>x</sub> Control

When the Superphosphoric Acid Oxidation Process is operating, the permittee shall comply with the following for purposes of demonstrating compliance with the NO<sub>x</sub> emissions rate limit in Permit Condition 6.3:

- 6.8.1 The permittee shall install, maintain and operate catalytic control equipment to control emissions of NO<sub>x</sub> from the Superphosphoric Acid Oxidation Process.
- 6.8.2 The permittee shall install, calibrate, maintain, and operate equipment to continuously measure the NO<sub>x</sub> emissions rate, in pounds for each hour of operation and in tons per month, discharged to the atmosphere from the Superphosphoric Acid Oxidation Process stack.
- 6.8.3 The following NO<sub>x</sub> monitor information shall be recorded:
  - on a monthly basis, the NO<sub>x</sub> emissions rate shall be recorded in tons per month and tons per each consecutive 12-month period (T/yr);
  - all periods during which the NO<sub>x</sub> control equipment and/or the NO<sub>x</sub> monitor were not operational;
  - the results of all daily monitor calibrations.

The most recent five years' compilation of data shall be kept on-site, in a log, and shall be made available to DEQ representatives upon request.

- 6.8.4 Calibration of the continuous NO<sub>x</sub> monitor shall be maintained by performing the following:
  - calibrations at least daily using a reference gas; and
  - calibration in accordance with the manufacturer's specifications or as approved by DEQ.
- 6.8.5 The NO<sub>x</sub> control equipment and the equipment for measuring and recording the NO<sub>x</sub> emissions rate shall be maintained and operated according to manufacturer's specifications or as approved by DEQ. For this purpose, the following shall remain on site at all times and shall be made available to DEQ representatives upon request: a copy of the manufacturer's specifications and all DEQ approved operating, maintenance and calibration specifications; and the most recent five years compilation of NO<sub>x</sub> monitoring data and maintenance logs for the NO<sub>x</sub> monitoring equipment.

[PTC No. P-040320, April 28, 2006]

#### 6.9 Evaporative Cooling Tower

No owner or operator shall introduce into any evaporative cooling tower any liquid effluent from any wet scrubbing device installed to control emissions from process equipment.

[40 CFR 63.603(e); PTC No. P-040320, April 28, 2006]

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**6.10 Solvent Usage in PPA Process**

The owner or operator shall not use methyl isobutyl ketone (MIBK), or any HAP as defined in Section 112 of the Clean Air Act, as a solvent in the PPA process unless the owner or operator complies with the requirements in 40 CFR 63.603(f) and 40 CFR 63, Subpart H.

[40 CFR 63.603(e)]

**Monitoring & Recordkeeping Requirements****6.11 Throughput Monitoring Systems**

Each owner or operator of a new or existing wet-Process Phosphoric Acid Process Line, Superphosphoric Acid Process Line subject to the provisions of 40 CFR 63, Subpart AA shall install, calibrate, maintain, and operate a monitoring system which can be used to determine and permanently record the mass flow of phosphorus-bearing feed material to the process. The monitoring system shall have an accuracy of  $\pm 5\%$  over its operating range.

[40 CFR 63.605(a); PTC No. P-040320, April 28, 2006]

**6.12 P<sub>2</sub>O<sub>5</sub> Throughput**

Each owner or operator of a new or existing wet-Process Phosphoric Acid Process Line or Superphosphoric Acid Process Line subject to the provisions of 40 CFR 63, Subpart AA shall maintain a daily record of equivalent P<sub>2</sub>O<sub>5</sub> feed by first determining the total mass rate in metric ton/hour of phosphorus bearing feed using a monitoring system for measuring mass flowrate which meets the requirements of 40 CFR 63.605(a) (Permit Condition 6.11) and then proceeding according to 40 CFR 63.606(c)(3) (Permit Condition 6.21.1(3)).

[40 CFR 63.605(b)(1); PTC No. P-040320, April 28, 2006]

**6.13 Pressure Drop Across Each Scrubber**

Each owner or operator of a new or existing Wet-Process Phosphoric Acid Process Line, Superphosphoric Acid Process Line using a wet scrubbing emission control system shall install, calibrate, maintain, and operate a monitoring system which continuously measures and permanently records the pressure drop across each scrubber in the process scrubbing system in 15-minute block averages. The monitoring system shall be certified by the manufacturer to have an accuracy of  $\pm 5\%$  over its operating range.

[40 CFR 63.605(c)(1); PTC No. P-040320, April 28, 2006]

**6.14 Liquid Flow Rate of Each Scrubber**

Each owner or operator of a new or existing Wet-Process Phosphoric Acid Process Line, Superphosphoric Acid Process Line using a wet scrubbing emission control system shall install, calibrate, maintain, and operate a monitoring system which continuously measures and permanently records the flow rate of the scrubbing liquid to each scrubber in the process scrubbing system in 15-minute block averages. The monitoring system shall be certified by the manufacturer to have an accuracy of  $\pm 5\%$  over its operating range.

[40 CFR 63.605(c)(2); PTC No. P-040320, April 28, 2006]

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#### 6.15 Scrubber Pressure Drop and Liquid Flow Rate Ranges

Following the date on which the performance test required in 40 CFR 63.606 is completed, the owner or operator of a new or existing affected source using a wet scrubbing emission control system and subject to emissions limitations for total fluorides or particulate matter contained in 40 CFR 63, Subpart AA must establish allowable ranges for operating parameters using the methodology specified in either (1) or (2) of this section:

- (1) The allowable range for the daily averages of the pressure drop across each scrubber and of the flow rate of the scrubbing liquid to each scrubber in the process scrubbing system is  $\pm 20\%$  of the baseline average value determined as a requirement of 40 CFR 63.606(c)(4), (d)(4), or (e)(2). The Administrator retains the right to reduce the  $\pm 20\%$  adjustment to the baseline average values of operating ranges in those instances where performance test results indicate that a source's level of emissions is near the value of an applicable emissions standard, but, in no instance shall the adjustment be reduced to less than  $\pm 10\%$ . The owner or operator must notify the Administrator of the baseline average value and must notify the Administrator each time that the baseline value is changed as a result of the most recent performance test. When a source using the methodology of this paragraph is retested, the owner or operator shall determine whether new allowable ranges of baseline average values will be based upon the new performance test or (if the new performance test results are within the previously established range) whether there will be no change in the operating parameters derived from previous tests. When a source using the methodology of this paragraph is retested and the performance test results are submitted to the Administrator pursuant to 40 CFR 63.607(c)(1), 63.7(g)(1), and/or 63.10(d)(2), the owner or operator will indicate whether the operating range will be based on the new performance test or the previously established range. If the Administrator has not denied approval of the new operating ranges within 30 days of submission of the performance test results, the new ranges shall be deemed approved and the new baseline value shall then be effective on the 31st day following submission.
- (2) The owner or operator of any new or existing affected source shall establish, and provide to the Administrator for approval, allowable ranges for the daily averages of the pressure drop across and of the flow rate of the scrubbing liquid to each scrubber in the process scrubbing system for the purpose of assuring compliance with 40 CFR 63 Subpart AA. Allowable ranges may be based upon baseline average values recorded during previous performance tests using the test methods required in 40 CFR 63.606(c)(4), (d)(4), or (e)(2). As an alternative, the owner or operator can establish the allowable ranges using the results of performance tests conducted specifically for the purposes of this paragraph using the test methods required in 40 CFR 63, Subpart AA and established in the manner required in 40 CFR 63.606(c)(4), (d)(4), or (e)(2). The source shall certify that the control devices and processes have not been modified subsequent to the testing upon which the data used to establish the allowable ranges were obtained. The allowable ranges developed pursuant to the provisions of this paragraph must be submitted to the Administrator for approval. The owner or operator must request and obtain approval of the Administrator for changes to the allowable ranges. When a source using the methodology of this paragraph is retested, the owner or operator shall determine new allowable ranges of baseline average values unless the retest indicates no change in the operating parameters outside the previously established ranges. If the Administrator has not denied approval of the new operating ranges within 30 days of submission of the performance test

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results, the new ranges shall be deemed approved and the new baseline value shall then be effective on the 31st day following submission.

[40 CFR 63.605(d); PTC No. P-040320, April 28, 2006]

**6.16 Sulfiding Vent Scrubber (A-Pp-1) Pressure Drop and Liquid Flow Rate**

- 6.16.1 The permittee shall install, calibrate, maintain, and operate, in accordance with manufacturer specifications, equipment to continuously measure the pressure differential across the scrubber and the scrubbing media flowrate to the scrubber.
- 6.16.2 The pressure drop across the scrubber and the scrubbing media flowrate to the scrubber shall be maintained within the manufacturer and O&M manual specifications when it is operated. Documentation of both the manufacturer and O&M manual operating pressure drop and scrubbing media flowrate specifications shall remain onsite at all times and shall be available to DEQ representatives upon request.
- 6.16.3 The permittee shall monitor and record the pressure drop across the scrubber and the scrubbing media flowrate to the scrubber on a daily basis when it is operated. A compilation of the most recent five years of records shall be kept onsite and shall be made available to DEQ representatives upon request.

[PTC No. P-040320, April 28, 2006]

**6.17 Filter Aid Silo Baghouse Pressure Drop**

- 6.17.1 The permittee shall install, calibrate, maintain, and operate, in accordance with manufacturer specifications, equipment to continuously measure the pressure differential across the baghouse.
- 6.17.2 The pressure drop across the baghouse shall be maintained within the manufacturer and O&M manual specifications when it is operated. Documentation of both the manufacturer and O&M manual operating pressure drop specifications shall remain onsite at all times and shall be available to DEQ representatives upon request.
- 6.17.3 The permittee shall monitor and record the pressure drop across the baghouse on a weekly basis when it is operated. A compilation of the most recent five years of records shall be kept onsite and shall be made available to DEQ representatives upon request.

[PTC No. P-040320, April 28, 2006]

**6.18 Performance Testing for Existing Units**

On or before the applicable compliance date in 40 CFR 63.609 and once per annum thereafter, each owner or operator of a phosphoric acid manufacturing plant shall conduct a performance test to demonstrate compliance with the applicable emission standard for each existing Wet-Process Phosphoric Acid Process Line, Superphosphoric Acid Process Line. The owner or operator shall conduct the performance test according to the procedures in 40 CFR 63, Subpart A and in 40 CFR 63.606.

[40 CFR 63.606(a)(1); PTC No. P-040320, April 28, 2006]

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#### 6.19 Performance Testing for New Units

As required by 40 CFR 63.7(a)(2) and once per annum thereafter, each owner or operator of a phosphoric acid manufacturing plant shall conduct a performance test to demonstrate compliance with the applicable emission standard for each new Wet-Process Phosphoric Acid Process Line, Superphosphoric Acid Process Line. The owner or operator shall conduct the performance test according to the procedures in 40 CFR 63, Subpart A and in 40 CFR 63.606.

[40 CFR 63.606(a)(2); PTC No. P-040320, April 28, 2006]

#### 6.20 Performance Test Methods

In conducting performance tests, each owner or operator of an affected source shall use as reference methods and procedures the test methods in 40 CFR 60, Appendix A, or other methods and procedures as specified in 40 CFR 63.606, except as provided in 40 CFR 63.7(f).

[40 CFR 63.606(b); PTC No. P-040320, April 28, 2006]

#### 6.21 Performance Testing - Fluorides

Each owner or operator of a new Wet-Process Phosphoric Acid Process Line or Superphosphoric Acid Process Line shall determine compliance with the applicable total fluorides standards in 40 CFR 63.603, as specified in 6.1 and 6.2.

- 6.21.1 (1) The emission rate (E) of total fluorides shall be computed for each run using the following equation:

$$E = \left( \sum_{i=1}^N C_{si} Q_{sdi} \right) / (PK)$$

Where:

- E = emission rate of total fluorides, g/metric ton (lb/ton) of equivalent P<sub>2</sub>O<sub>5</sub> feed.
- C<sub>si</sub> = concentration of total fluorides from emission point "i," mg/dscm (mg/dscf).
- Q<sub>sdi</sub> = volumetric flow rate of effluent gas from emission point "i," dscm/hr (dscf/hr).
- N = number of emission points associated with the affected facility.
- P = equivalent P<sub>2</sub>O<sub>5</sub> feed rate, metric ton/hr (ton/hr).
- K = conversion factor, 1000 mg/g (453,600 mg/lb).

- (2) Method 13A or 13B (40 CFR 60, Appendix A) shall be used to determine the total fluorides concentration (C<sub>si</sub>) and volumetric flow rate (Q<sub>sdi</sub>) of the effluent gas from each of the emission points. If Method 13B is used, the fusion of the filtered material described in Section 7.3.1.2 and the distillation of suitable aliquots of containers 1 and 2, described in Section 7.3.3 and 7.3.4 in Method 13 A, may be omitted. The sampling time and sample volume for each run shall be at least 60 minutes and 0.85 dscm (30 dscf).

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- (3) The equivalent  $P_2O_5$  feed rate (P) shall be computed using the following equation:

$$P = M_p R_p$$

Where:

$M_p$  = total mass flow rate of phosphorus-bearing feed, metric ton/hr (ton/hr).

$R_p$  =  $P_2O_5$  content, decimal fraction.

- (i) The accountability system described in 40 CFR 63.605(a) and (b) shall be used to determine the mass flow rate ( $M_p$ ) of the phosphorus-bearing feed.
  - (ii) The  $P_2O_5$  content ( $R_p$ ) of the feed shall be determined using as appropriate the following methods (incorporated by reference -- see 40 CFR 63.14) specified in the Book of Methods Used and Adopted By The Association Of Florida Phosphate Chemists, Seventh Edition 1991, where applicable:
    - (A) Section IX, Methods of Analysis for Phosphate Rock, No. 1 Preparation of Sample.
    - (B) Section IX, Methods of Analysis for Phosphate Rock, No. 3 Phosphorus -  $P_2O_5$  or  $Ca_3(PO_4)_2$ , Method A - Volumetric Method.
    - (C) Section IX, Methods of Analysis for Phosphate Rock, No. 3 Phosphorus -  $P_2O_5$  or  $Ca_3(PO_4)_2$ , Method B Gravimetric Quimociac Method.
    - (D) Section IX, Methods of Analysis for Phosphate Rock, No. 3 Phosphorus -  $P_2O_5$  or  $Ca_3(PO_4)_2$ , Method C - Spectrophotometric Method.
    - (E) Section XI, Methods of Analysis For Phosphoric Acid, Superphosphate, Triple Superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-  $P_2O_5$ , Method A-Volumetric Method.
    - (F) Section XI, Methods of Analysis For Phosphoric Acid, Superphosphate, Triple Superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-  $P_2O_5$ , Method B-Gravimetric Quimociac Method.
    - (G) Section XI, Methods of Analysis For Phosphoric Acid, Superphosphate, Triple Superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-  $P_2O_5$ , Method C-Spectrophotometric Method.
- (4) To comply with 40 CFR 63.605(d)(1) or (2), the owner or operator shall use the monitoring systems in 40 CFR 63.605(c) to determine the average pressure loss of the gas stream across each scrubber in the process scrubbing system and to determine the average flow rate of the scrubber liquid to each scrubber in the process scrubbing system during each of the total fluoride runs. The arithmetic averages of the three runs shall be used as the baseline average values for the purposes of 40 CFR 63.605(d)(1) or (2).

[40 CFR 63.606(c); PTC No. P-040320, April 28, 2006]

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## 6.22 NSR Projected Emissions Records

The permittee shall maintain records and provide reports for the project addressed by PTC No. P-040320 in accordance with IDAPA 58.01.01.205.01 [40 CFR 52.21(r)(6) and (7)].

- 6.22.1 In accordance with 40 CFR 52.21(r)(6)(i), before beginning actual construction of the project, the owner or operator shall document and maintain a record of the following information:
- (a) A description of the project;
  - (b) Identification of the emissions unit(s) whose emissions of a regulated NSR pollutant could be affected by the project (i.e., Superphosphoric Acid (SPA) Plant, Phosphoric Acid Plant, Boiler B-5, Thermal Oil Heaters, SPA Oxidizer, ore storage and transfer fugitive emissions, and gypsum stack fugitive emissions (including roadway dust)); and
  - (c) A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions.
- 6.22.2 In accordance with 40 CFR 52.21(r)(6)(iii), the owner or operator shall monitor the emissions of NO<sub>x</sub>, Fluoride, CO, PM<sub>10</sub>, PM, and VOC from the emissions units listed in Permit Condition 6.22.1; and calculate and maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of 5 years following resumption of regular operations after the change, or for a period of 10 years following resumption of regular operations after the change.
- 6.22.3 In accordance with 40 CFR 52.21(r)(6)(v), the owner or operator shall submit a report to DEQ and the EPA Administrator if the annual emissions, in tons per year, from the project identified under Permit Condition 6.22.1, exceed the baseline actual emissions (as documented and maintained pursuant to Permit Condition 6.22.1(c)), by a significant amount (as defined in 40 CFR 52.21(b)(23)) for that regulated NSR pollutant, and if such emissions differ from the preconstruction projection as documented and maintained pursuant to Permit Condition 6.22.1(c). Such report shall be submitted to DEQ and the EPA Administrator within 60 days after the end of such year. In particular, in accordance with IDAPA 58.01.01.211.01, the permittee shall submit a report when each of the following conditions occur:
- (a) When the annual combined emissions of NO<sub>x</sub> from all of the sources listed in Permit Condition 3.19.1 exceed 74.2 tons per year
  - (b) When the annual combined emissions of fluoride from all of the sources listed in Permit Condition 3.19.1 exceed 42.5 tons per year
  - (c) When the annual combined emissions of NO<sub>x</sub> from all of the sources listed in Permit Condition 3.19.1 exceed 67.4 tons per year
  - (d) When the annual combined emissions of fluoride from all of the sources listed in Permit Condition 3.19.1 exceed 41.8 tons per year

The information in Table 6.3 shall be used for purposes of complying with this requirement:

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**Table 6.3 40 CFR 52.21(r)(6)(v) INFORMATION FOR  
THE SPA PRODUCTION INCREASE PROJECT**

<b>TYPE OF EMISSIONS</b>	<b>NO<sub>x</sub> (TPY)</b>	<b>Fluoride (TPY)</b>
Baseline Actual Emissions (BAE)	34.2	39.5
Significant defined by 52.21(b)(23)	40	3
Annual emission rate that would exceed BAE by a significant amount	74.2	42.5
Preconstruction Projection <sup>a</sup>	67.4	41.8

<sup>a</sup> Preconstruction projection is the same as projected actual emissions.

6.22.4 In accordance with 40 CFR 52.21(r)(6)(v), the report shall contain the following:

- (a) The name, address and telephone number of the major stationary source;
- (b) The annual emissions as calculated pursuant to paragraph (r)(6)(iii) of this section; and
- (c) Any other information that the owner or operator wishes to include in the report (e.g., an explanation as to why the emissions differ from the preconstruction projection).

6.22.5 In accordance with 40 CFR 52.21(r)(7), the owner or operator of the source shall make the information required to be documented and maintained pursuant to 40 CFR 52.21(r)(6) of this section available for review upon a request for inspection by the Administrator or the general public pursuant to the requirements contained in 40 CFR 70.4(b)(3)(viii) of this chapter.

**[IDAPA 58.01.01.205, 4/6/05; 40 CFR 52.21(r)(6) and (7); PTC No. P-040320, April 28, 2006]**

**6.23 Operations and Maintenance Manual Requirements**

The permittee shall maintain and implement an O&M manual for the Superphosphoric Acid Oxidation Process Scrubber, Sulfiding Vent Scrubber, and the Filter Aid Silo Baghouse which describes the procedures that will be followed to comply with Permit Condition 6.35 and the air pollution control device requirements contained in this permit. Information for the Superphosphoric Acid Oxidation Process Scrubber shall be added to the O&M Manual within 60 days after issuance of this permit. The manual shall remain onsite at all times and shall be available to DEQ representatives upon request.

**[PTC No. P-040320, April 28, 2006]**

6.24 Each owner or operator subject to the requirements of 40 CFR 63, Subpart AA shall comply with the recordkeeping requirements in 40 CFR 63.10. Requirements are included in Appendix A of this permit.

**[40 CFR 63.607(b)]**

**6.25 Radon Monitoring from Phosphogypsum Stacks**

- (a) Within 60 days following the date on which a stack becomes an inactive stack, or within 90 days after the date on which 40 CFR 61, Subpart R first took effect if a stack was already inactive on that date, each owner or operator of an inactive phosphogypsum stack shall test the stack for radon-222 flux in accordance with the procedures described in 40 CFR 61, Appendix B, Method 115. EPA shall be notified at least 30 days prior to each such emissions test so that EPA may, at its option, observe the test. If meteorological conditions are such that a test cannot

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be properly conducted, then the owner or operator shall notify EPA and test as soon as conditions permit.

- (b) (i) Within 90 days after the testing is required, the owner or operator shall provide EPA with a report detailing the actions taken and the results of the radon-222 flux testing. Each report shall also include the following information:
  - (1) The name and location of the facility;
  - (ii) A list of the stacks at the facility including the size and dimensions of each stack;
  - (iii) The name of the person responsible for the operation of the facility and the name of the person preparing the report (if different);
  - (iv) A description of the control measures taken to decrease the radon flux from the source and any actions taken to insure the long term effectiveness of the control measures; and
  - (v) The results of the testing conducted, including the results of each measurement.
- (2) Each report shall be signed and dated by a corporate officer in charge of the facility and contain the following declaration immediately above the signature line: "I certify under penalty of law that I have personally examined and am familiar with the information submitted herein and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment. See, 18 U.S.C. 1001."
- (c) If the owner or operator of an inactive stack chooses to conduct measurements over a one year period as permitted by Method 115 in Appendix B to Part 61, within 90 days after the testing commences the owner or operator shall provide EPA with an initial report, including the results of the first measurement period and a schedule for all subsequent measurements. An additional report containing all the information in 40 CFR 61.203(b) shall be submitted within 90 days after completion of the final measurements.
- (d) If at any point an owner or operator of a stack once again uses an inactive stack for the disposal of phosphogypsum or for water management, the stack ceases to be in inactive status and the owner or operator must notify EPA in writing within 45 days. When the owner or operator ceases to use the stack for disposal of phosphogypsum or water management, the stack will once again become inactive and the owner or operator must satisfy again all testing and reporting requirements for inactive stacks.
- (e) If an owner or operator removes phosphogypsum from an inactive stack, the owner shall test the stack in accordance with the procedures described in 40 CFR 61, Appendix B, Method 115. The stack shall be tested within ninety days of the date that the owner or operator first removes phosphogypsum from the stack, and the test shall be repeated at least once during each calendar year that the owner or operator removes additional phosphogypsum from the stack. EPA shall be notified at least 30 days prior to an emissions test so that EPA may, at its option, observe the test. If meteorological conditions are such that a test cannot be properly conducted, then the owner shall notify EPA and test as soon as conditions permit. Within 90 days after completion of a test, the owner or operator shall provide EPA with a report detailing the actions taken and

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the results of the radon-222 flux testing. Each such report shall include all of the information specified by 40 CFR Part 61.203(b).

[40 CFR 61.203]

#### 6.26 Recordkeeping for Phosphogypsum Stacks

Each owner or operator of a phosphogypsum stack must maintain records for each stack documenting the procedure used to verify compliance with the flux standard in 40 CFR 61.202, including all measurements, calculations, and analytical methods on which input parameters were based. The required documentation shall be sufficient to allow an independent auditor to verify the correctness of the determination made concerning compliance of the stack with flux standard.

[40 CFR 61.209]

#### 6.27 Performance Test - Particulate Matter

The permittee shall conduct a compliance test on S-Pa-1, S-Pb-1, S-Pp-1, and S-Pa-2a and 2b in accordance with the procedures outlined in 40 CFR 60, Appendix A, Method 5, or a DEQ-approved alternative method, within 180 days of issuance of the permit. If the particulate matter emission rate measured in the initial compliance test is less than or equal to 75% of the emission standard in Permit Condition 6.5, no further testing shall be required during the permit term. The process weight measured during the compliance test shall be PW in the equation. If the particulate matter emission rate measured during the compliance test is greater than 75%, but less than or equal to 90%, of the emission standard in Permit Condition 6.5, a second test shall be required in the third year of the permit term. If the particulate matter emission rate measured during the compliance test is greater than 90% of the emission standard in Permit Condition 6.5, the permittee shall conduct a compliance test annually.

[IDAPA 58.01.01.322.09, 5/1/94]

### **Reporting**

#### 6.28 MACT Performance Test Report

In accordance with 40 CFR 63.607(c), the owner or operator of an affected source shall comply with the reporting requirements specified in 40 CFR 63.10 as follows:

##### 6.28.1 Performance Test Report

As required by 40 CFR 63.10, the owner or operator shall report the results of the initial and annual performance tests as part of the notification of compliance status required in 40 CFR 63.9.

[40 CFR 63.607(c)(1)]

##### 6.28.2 Excess Emissions Report

As required by 40 CFR 63.10, the owner or operator of an affected source shall submit an excess emissions report for any exceedance of an operating parameter limit. The report shall contain the information specified in 40 CFR 63.10. When no exceedances of an operating parameter have occurred, such information shall be included in the report. The report shall be submitted semiannually

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and shall be delivered or postmarked by the 30th day following the end of the calendar half. If exceedances are reported, the owner or operator shall report quarterly until a request to reduce reporting frequency is approved, as described in 40 CFR 63.10.

[40 CFR 63.607(c)(2)]

#### 6.28.3 Summary Report

If the total duration of control system exceedances for the reporting period is less than 1% of the total operating time for the reporting period, the owner or operator shall submit a summary report containing the information specified in 40 CFR 63.10, rather than the full excess emissions report, unless required by the Administrator. The summary report shall be submitted semiannually and shall be delivered or postmarked by the 30th day following the end of the calendar half.

[40 CFR 63.607(c)(3)]

- 6.28.4 If the total duration of control system operating parameter exceedances for the reporting period is 1% or greater of the total operating time for the reporting period, the owner or operator shall submit a summary report and excess emissions report.

[40 CFR 63.607(c)(4); PTC No. P-040320, April 28, 2006]

- 6.29 Each owner or operator subject to the requirements of 40 CFR 63, Subpart AA shall comply with the notification requirements in 40 CFR 63.9. Requirements are included in Appendix A of this permit.

[40 CFR 63.607(a); 40 CFR 63.627(a)]

### ***Phosphoric Acid Manufacturing Plant MACT Compliance Dates***

- 6.30 Each owner or operator of an existing affected source at a phosphoric acid manufacturing plant shall achieve compliance with the requirements of 40 CFR 63, Subpart AA no later than June 10, 2002. Notwithstanding the requirements of 40 CFR 63.7(a)(2)(iii), each owner or operator of an existing source at an affected existing phosphoric acid manufacturing plant shall fulfill the applicable requirements of 40 CFR 63.606 no later than June 10, 2002.

[40 CFR 63.609(a)]

- 6.31 Each owner or operator of a phosphoric acid manufacturing plant that commences construction or reconstruction of an affected source after December 27, 1996 shall achieve compliance with the requirements of 40 CFR 63, Subpart AA upon startup of operations or by June 10, 1999, whichever is later.

[40 CFR 63.609(b)]

### ***Evaporative Cooling Tower Certification Requirements***

- 6.32 Each owner or operator of an affected source subject to the evaporative cooling tower requirements in 40 CFR 63.603(e) (Permit Condition 6.9) must certify to the Administrator annually that he/she has complied with the requirements contained in that section.

[40 CFR 63.603(e)]

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### ***Phosphoric Acid Manufacturing Plant Exemption From New Source Performance Standards***

- 6.33 Any affected source subject to the provisions of 40 CFR 63, Subpart AA is exempted from any otherwise applicable new source performance standard contained in 40 CFR 60, Subpart T, Subpart U, or Subpart NN. To be exempt, a source must have a current operating permit pursuant to Title V of the Act and the source must be in compliance with all requirements of 40 CFR 63, Subpart AA. For each affected source, this exemption is effective upon the date that the owner or operator demonstrates to the Administrator that the requirements of 40 CFR 63.604, 63.605 and 63.606 have been met.  
[40 CFR 63.610]

### ***Applicability of MACT General Provisions***

- 6.34 The owner or operator shall comply with the requirements of the general provisions in 40 CFR 63, Subpart A as shown in Appendix A to 40 CFR 63, Subpart AA. Requirements are included in Appendix A of this permit.  
[40 CFR 63.608; PTC No. P-040320, April 28, 2006]

### ***PTC General Provisions***

- 6.35 The permittee shall at all times (except as provided in the *Rules*) maintain in good working order and operate as efficiently as practicable, all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable Idaho laws for the control of air pollution.  
[PTC No. P-040320, General Provision 2, April 28, 2006]

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**7. RESERVED**

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## 8. CLEAVER-BROOKS BOILER

### Summary Description

The following is a narrative description of the Cleaver-Brooks boiler regulated in this Tier I operating permit. This description is for informational purposes only.

The Cleaver-Brooks boiler supplies steam to the purified phosphoric acid (PPA) plant. The boiler's steam-generating capacity is approximately 150,000 pounds per hour.

Table 8.1 describes the devices used to control emissions from the Cleaver-Brooks boiler.

**Table 8.1 EMISSIONS UNITS AND EMISSIONS CONTROL DEVICES**

Source Code	Emission Unit(s)/Process(es)	Emission Control Device
A-Cb-1	Cleaver-Brooks boiler	Low-NO <sub>x</sub> package boiler

Table 8.2 contains only a summary of the requirements that apply to the Cleaver-Brooks boiler. Specific permit requirements are listed below Table 8.2.

**Table 8.2 APPLICABLE REQUIREMENTS SUMMARY**

Permit Conditions	Parameter	Permit Limit / Standard Summary	Applicable Requirements Reference	Monitoring and Recordkeeping Requirements
8.1	Nitrogen oxide emissions	33 T/yr	PTC No. P-040320	8.4, 8.13
8.2	Nitrogen oxide emissions	0.10 lb/MMBtu heat input to the boiler at a low heat release rate (70,000 Btu/hr-ft <sup>3</sup> or less), 0.20 lb/MMBtu heat input to the boiler at a high-heat release rate (greater than 70,000 Btu/hr-ft <sup>3</sup> )	40 CFR 60.44b(a) <sup>(1)</sup>	8.4, 8.5, 8.6, 8.7, 8.8, 8.9, 8.10, 8.11, 8.12, 8.13, 8.14, 8.15, 8.16, 8.17, 8.18, 8.19
8.3	Particulate matter	0.015 gr/dscf corrected to 3% oxygen	IDAPA 58.01.01.676	8.4

<sup>(1)</sup>If any requirement in this permit conflicts with any requirement contained in 40 CFR 60 the requirement in 40 CFR 60 shall control.

### Permit Limits / Standard Summary

#### 8.1 NO<sub>x</sub> Emission Limits

The NO<sub>x</sub> emissions from the boiler stack shall not exceed 33 T/yr. As determined by a pollutant-specific EPA reference method, DEQ-approved alternative, or as determined by DEQ's emission estimation methods used in the PTC application analysis.

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## 8.2 NSPS NO<sub>x</sub> Emission Limits

On and after the date the initial performance test is completed, or is required to be completed under 40 CFR 60.8 (whichever comes first), the permittee shall not cause any gases that contain nitrogen oxides (expressed as NO<sub>2</sub>) to be discharged into the atmosphere in excess of 0.10 pounds per million Btu (0.10 lb/MMBtu) heat input to the boiler at a low heat release rate (70,000 Btu/hr-ft<sup>3</sup> or less), or in excess of 0.20 pounds per million Btu (0.20 lb/MMBtu) heat input to the boiler at a high heat release rate (greater than 70,000 Btu/hr-ft<sup>3</sup>).

[40 CFR 60.44b(a)(1); PTC No. P-040320, April 28, 2006]

- 8.2.1 For purposes of compliance with 40 CFR 60.44b(i) (Permit Condition 8.2.2), the nitrogen oxide standards in Permit Condition 8.2 apply at all times including periods of startup, shutdown, or malfunction.

[40 CFR 60.44b(h)]

- 8.2.2 Except as provided in Permit Condition 8.2.3, compliance with the emissions limits in Permit Condition 8.2 is determined on a 30-day rolling average basis.

[40 CFR 60.44b(i); PTC No. P-040320, April 28, 2006]

- 8.2.3 Compliance with the emission limits under this section is determined on a 24-hour average basis for the initial performance test and on a three-hour average basis for subsequent performance tests for any affected facilities that:

- (1) Combust, alone or in combination, only natural gas, distillate oil, or residual oil with a nitrogen content of 0.30 weight percent or less;
- (2) Have a combined annual capacity factor of 10% or less for natural gas, distillate oil, and residual oil with a nitrogen content of 0.30 weight percent or less; and
- (3) Are subject to a Federally enforceable requirement limiting operation of the affected facility to the firing of natural gas, distillate oil, and/or residual oil with a nitrogen content of 0.30 weight percent or less and limiting operation of the affected facility to a combined annual capacity factor of 10% or less for natural gas, distillate oil, and residual oil and a nitrogen content of 0.30 weight percent or less.

[40 CFR 60.44b(j)]

- 8.3 The PM emissions shall not exceed the grain loading emission limits of 0.015 gr/dscf of effluent gas corrected to 3% oxygen by volume for natural gas.

[IDAPA 58.01.01.676, 5/1/94] Operating Requirements

## 8.4 Fuel Specification

The boiler shall use only natural gas as fuel.

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**8.5      Performance Tests**

- 8.5.1      Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility and at such other times as may be required by the Administrator under Section 114 of the Act, the owner or operator of such facility shall conduct performance test(s) and furnish the Administrator a written report of the results of such performance test(s).

**[40 CFR 60.8(a)]**

- 8.5.2      Performance tests shall be conducted and data reduced in accordance with the test methods and procedures contained in each applicable subpart unless the Administrator:

- (1)    specifies or approves, in specific cases, the use of a reference method with minor changes in methodology,
- (2)    approves the use of an equivalent method,
- (3)    approves the use of an alternative method the results of which he has determined to be adequate for indicating whether a specific source is in compliance,
- (4)    waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the affected facility is in compliance with the standard, or
- (5)    approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors. Nothing in this paragraph shall be construed to abrogate the Administrator's authority to require testing under Section 114 of the Clean Air Act.

**[40 CFR 60.8(b)]**

- 8.5.3      Performance tests shall be conducted under such conditions as the Administrator shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard.

**[40 CFR 60.8(c)]**

- 8.5.4      The owner or operator of an affected facility shall provide the Administrator at least 30 days prior notice of any performance test, except as specified under other subparts, to afford the Administrator the opportunity to have an observer present. If after 30 days notice for an initially scheduled performance test, there is a delay (due to operational problems, etc.) in conducting the scheduled performance test, the owner or operator of an affected facility shall notify the Administrator (or delegated State or local agency) as soon as possible of any delay in the original test date, either by providing at least seven days prior notice of the rescheduled date of the performance test, or by arranging a rescheduled date with the Administrator (or delegated State or local agency) by mutual agreement.

**[40 CFR 60.8(d)]**

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8.5.5 The owner or operator of an affected facility shall provide, or cause to be provided, performance testing facilities as follows:

- (1) Sampling ports adequate for test methods applicable to such facility. This includes (i) constructing the air pollution control system such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and procedures and (ii) providing a stack or duct free of cyclonic flow during performance tests, as demonstrated by applicable test methods and procedures.
- (2) Safe sampling platform(s).
- (3) Safe access to sampling platform(s).
- (4) Utilities for sampling and testing equipment.

[40 CFR 60.8(e)]

8.5.6 Unless otherwise specified in the applicable subpart, each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances, beyond the owner or operator's control, compliance may, upon the Administrator's approval, be determined using the arithmetic mean of the results of the two other runs.

[40 CFR 60.8(f)]

## 8.6 Compliance with Standards

At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

[40 CFR 60.11(d)]

8.7 For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard in 40 CFR 60, nothing in 40 CFR 60 shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.

[40 CFR 60.11(g)]

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## 8.8 Circumvention

No owner or operator subject to the provisions of 40 CFR 60 shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.

[40 CFR 60.12]

## **Monitoring & Recordkeeping Requirements**

### 8.9 NO<sub>x</sub> Performance Test

Compliance with the nitrogen oxides emission standards under Permit Condition 8.2 (40 CFR 60.44b) and the annual emission limit in Permit Condition 8.1 shall be determined through performance testing under 40 CFR 60.46b(e) or (g). This performance test, and any subsequent performance tests conducted to demonstrate compliance with this permit, shall be performed in accordance with IDAPA 58.01.01.157.

[40 CFR 60.46b(c); PTC No. P-040320, April 28, 2006]

8.10 To determine compliance with the emission limits for nitrogen oxides required under 40 CFR 60.44b, the owner or operator of an affected facility shall conduct the performance test as required under 40 CFR 60.8 using the continuous system for monitoring nitrogen oxides under 40 CFR 60.48(b).

- (1) For the initial compliance test, nitrogen oxides from the steam-generating unit are monitored for 30 successive steam generating unit operating days and the 30-day average emission rate is used to determine compliance with the nitrogen oxides emission standards under 40 CFR 60.44b. The 30-day average emission rate is calculated as the average of all hourly emissions data recorded by the monitoring system during the 30-day test period.
- (2) Not applicable to natural gas-fired boiler.
- (3) Not applicable to boiler less than 250 million Btu/hour heat input capacity.
- (4) Following the date on which the initial performance test is completed or required to be completed under 40 CFR 60.8 of 40 CFR 60, whichever date comes first, the owner or operator of an affected facility which has a heat input capacity of 73 MW (250 million Btu/hour) or less and which combusts natural gas, distillate oil, or residual oil having a nitrogen content of 0.30 weight percent or less shall upon request determine compliance with the nitrogen oxides standards under 40 CFR 60.44b through the use of a 30-day performance. During periods when performance tests are not requested, nitrogen oxides emissions data collected pursuant to 40 CFR 60.48b(g)(1) or 40 CFR 60.48b(g)(2) are used to calculate a 30-day rolling average emission rate on a daily basis and used to prepare excess emission reports, but will not be used to determine compliance with the nitrogen oxides emission standards. A new 30-day rolling-average-emission rate is calculated each steam-generating unit operating day as the average of all of the hourly nitrogen oxides emission data for the preceding 30 steam-generating unit operating days.

[40 CFR 60.46b(e)]

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- 8.11 The owner or operator of an affected facility described in 40 CFR 60.44b(j) or 40 CFR 60.44b(k) shall demonstrate the maximum heat input capacity of the steam generating unit by operating the facility at maximum capacity for 24 hours. The owner or operator of an affected facility shall determine the maximum heat input capacity using the heat loss method described in Sections 5 and 7.3 of the ASME Power Test Codes 4.1 (see IBR 40 CFR 60.17(h)). This demonstration of maximum heat input capacity shall be made during the initial performance test for affected facilities that meet the criteria of 40 CFR 60.44b(j). It shall be made within 60 days after achieving the maximum production rate at which the affected facility will be operated, but no later than 180 days after initial start-up of each facility, for affected facilities meeting the criteria of 40 CFR 60.44b(k). Subsequent demonstrations may be required by the Administrator at any other time. If this demonstration indicates that the maximum heat input capacity of the affected facility is less than that stated by the manufacturer of the affected facility, the maximum heat input capacity determined during this demonstration shall be used to determine the capacity utilization rate for the affected facility. Otherwise, the maximum heat input capacity provided by the manufacturer is used.

[40 CFR 60.46b(g)]

**8.12 NO<sub>x</sub> Monitoring, Recordkeeping, and Reporting**

The permittee shall comply with either the continuous monitoring system requirements under Permit Condition 8.13 (40 CFR 60.48b(b) through 60.48b(f)) or the predictive monitoring requirements under Permit Condition 8.14 (40 CFR 60.48b(g)) to demonstrate compliance with the nitrogen oxides emission monitoring requirements specified in 40 CFR 60.48b.

[40 CFR 60.48b, 60.49b; PTC No. P-040320, April 28, 2006]

- 8.13 Except as provided under paragraphs (g), (h), and (i) of this section, the owner or operator of an affected facility shall comply with either paragraphs (b)(1) or (b)(2) of this section.

- (1) Install, calibrate, maintain, and operate a continuous monitoring system, and record the output of the system, for measuring nitrogen oxides emissions discharged to the atmosphere; or
- (2) If the owner or operator has installed a nitrogen oxides emission rate continuous emission monitoring system (CEMS) to meet the requirements of Part 75 of 40 CFR and is continuing to meet the ongoing requirements of Part 75 of 40 CFR, that CEMS may be used to meet the requirements of this section, except that the owner or operator shall also meet the requirements of 40 CFR 60.49b. Data reported to meet the requirements of 40 CFR 60.49b shall not include data substituted using the missing data procedures in Subpart D of Part 75 of 40 CFR, nor shall the data have been bias adjusted according to the procedures of 40 CFR Part 75.

[40 CFR 60.48b(b)]

- 8.13.1 The continuous monitoring systems required under paragraph (b) of this section shall be operated and data recorded during all periods of operation of the affected facility except for continuous monitoring system breakdowns and repairs. Data is recorded during calibration checks, and zero and span adjustments.

[40 CFR 60.48b(c)]

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- 8.13.2 The one-hour average NO<sub>x</sub> emission rates measured by the continuous nitrogen oxides monitor required by paragraph (b) of this section and required under 40 CFR 60.13(h) shall be expressed in ng/J or lb/million Btu heat input and shall be used to calculate the average emission rates under 40 CFR 60.44b. The one-hour averages shall be calculated using the data points required under 40 CFR 60.13(b). At least two data points must be used to calculate each one-hour average.

[40 CFR 60.48b(d)]

- 8.13.3 The procedures under 40 CFR 60.13 shall be followed for installation, evaluation, and operation of the continuous monitoring systems.

- (1) For affected facilities burning coal, wood or municipal-type solid waste, the span value for a continuous monitoring system for measuring opacity shall be between 60 and 80%.
- (2) For affected facilities combusting natural gas, the span value for NO<sub>x</sub> is determined as follows:

<u>Span Values for Fuel</u>	<u>Nitrogen Oxides (PPM)</u>
Natural gas	500

[40 CFR 60.48b(e)]

- 8.13.4 When NO<sub>x</sub> emission data is not obtained because of continuous monitoring system breakdowns, repairs, calibration checks and zero and span adjustments, emission data will be obtained by using standby monitoring systems, Method 7, Method 7A, or other approved reference methods to provide emission data for a minimum of 75% of the operating hours in each steam generating unit operating day, in at least 22 out of 30 successive steam generating unit operating days.

[40 CFR 60.48b(f)]

- 8.14 The owner or operator of an affected facility that has a heat input capacity of 73 MW (250 MMBtu/hour) or less, and which has an annual capacity factor for residual oil having a nitrogen content of 0.30 weight percent or less, natural gas, distillate oil, or any mixture of these fuels, greater than 10% shall:

- (1) Comply with the provisions of Permit Condition 8.13, or
- (2) Monitor steam generating unit operating conditions and predict nitrogen oxides emission rates as specified in a plan submitted pursuant to Permit Condition 8.16 (40 CFR 60.49b(c)).

[40 CFR 60.48b(g)]

#### 8.15 40 CFR 60, Subpart A Monitoring Requirements

- 8.15.1 For the purposes of this section, all continuous monitoring systems required under applicable subparts shall be subject to the provisions of this section upon promulgation of performance specifications for continuous monitoring systems under Appendix B to 40 CFR 60, and, if the continuous monitoring system is used to demonstrate compliance with emission limits on a continuous basis, Appendix F to 40 CFR 60, unless specified in an applicable subpart or by the Administrator. Appendix F is applicable December 4, 1987.

[40 CFR 60.13(a)]

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- 8.15.2 All continuous monitoring systems and monitoring devices shall be installed and operational prior to conducting performance tests under 40 CFR 60.8. Verification of operational status shall, as a minimum, include completion of the manufacturer's written requirements or recommendations for installation, operation, and calibration of the device.

[40 CFR 60.13(b)]

- 8.15.3 Owners and operators of a CEMS installed in accordance with the provisions of 40 CFR 60, must automatically check the zero (or low level value between 0% and 20% of span value) and span (50% to 100% of span value) calibration drifts at least once daily in accordance with a written procedure. The zero and span must, as a minimum, be adjusted whenever either the 24-hour zero drift or the 24-hour span drift exceeds two times the limit of the applicable performance specification in Appendix B of 40 CFR 60. The system must allow the amount of the excess zero and span drift to be recorded and quantified whenever specified.

- (1) Owners and operators of a COMS installed in accordance with the provisions of 40 CFR 60, must automatically, intrinsic to the opacity monitor, check the zero and upscale (span) calibration drifts at least once daily. For a particular COMS, the acceptable range of zero and upscale calibration materials is as defined in the applicable version of PS-1 in Appendix B of 40 CFR 60. For continuous monitoring systems measuring opacity of emissions not using automatic zero adjustments, the optical surfaces exposed to the effluent gases shall be cleaned prior to performing the zero and span drift adjustments. For systems using automatic zero adjustments, the optical surfaces shall be cleaned when the cumulative automatic zero compensation exceeds 4% opacity.
- (2) Unless otherwise approved by the Administrator, the following procedures must be followed for a COMS. Minimum procedures must include an automated method for producing a simulated zero opacity condition and an upscale opacity condition using a certified neutral density filter or other related technique to produce a known obstruction of the light beam. Such procedures must provide a system check of all active analyzer internal optics with power or curvature, all active electronic circuitry including the light source and photodetector assembly, and electronic or electro-mechanical systems and hardware and or software used during normal measurement operation.

[40 CFR 60.13(d)]

- 8.15.4 Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required under paragraph (d) of this section, all continuous monitoring systems shall be in continuous operation and shall meet minimum frequency of operation requirements as follows:

- (1) All continuous monitoring systems referenced by paragraph (c) of this section for measuring opacity of emissions shall complete a minimum of one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for each successive six-minute period.
- (2) All continuous monitoring systems referenced by paragraph (c) of this section for measuring emissions, except opacity, shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.

[40 CFR 60.13(e)]

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- 8.15.5 All continuous monitoring systems or monitoring devices shall be installed such that representative measurements of emissions or process parameters from the affected facility are obtained. Additional procedures for location of continuous monitoring systems contained in the applicable Performance Specifications of Appendix B of 40 CFR 60 shall be used.

[40 CFR 60.13(f)]

- 8.15.6 Owners or operators of all continuous monitoring systems for measurement of opacity shall reduce all data to six-minute averages and for continuous monitoring systems other than opacity to one-hour averages for time periods as defined in 40 CFR 60.2. Six-minute opacity averages shall be calculated from 36 or more data points equally spaced over each six-minute period. For continuous monitoring systems other than opacity, one-hour averages shall be computed from four or more data points equally spaced over each one-hour period. Data recorded during periods of continuous system breakdown, repair, calibration checks, and zero and span adjustments shall not be included in the data averages computed under this paragraph. For owners and operators complying with the requirements in 40 CFR 60.7(f)(1) or (2), data averages must include any data recorded during periods of monitor breakdown or malfunction. An arithmetic or integrated average of all data may be used. The data may be recorded in reduced or nonreduced form (e.g., ppm pollutant and percent OG22K or ng of pollutant per J of heat input). All excess emissions shall be converted into units of the standard using the applicable conversion procedures specified in subparts. After conversion into units of the standard, the data may be rounded to the same number of significant digits as used in the applicable subparts to specify the emission limit (e.g., rounded to the nearest 1% opacity).

[40 CFR 60.13(h)]

- 8.15.7 After receipt and consideration of written application, the Administrator may approve alternatives to any monitoring procedures or requirements of 40 CFR 60 including, but not limited to the following:
- (1) Alternative monitoring requirements when installation of a continuous monitoring system or monitoring device specified by 40 CFR 60 would not provide accurate measurements due to liquid water or other interferences caused by substances in the effluent gases.
  - (2) Alternative monitoring requirements when the affected facility is infrequently operated.
  - (3) Alternative monitoring requirements to accommodate continuous monitoring systems that require additional measurements to correct for stack moisture conditions.
  - (4) Alternative locations for installing continuous monitoring systems or monitoring devices when the owner or operator can demonstrate that installation at alternate locations will enable accurate and representative measurements.
  - (5) Alternative methods of converting pollutant concentration measurements to units of the standards.
  - (6) Alternative procedures for performing daily checks of zero and span drift that do not involve use of span gases or test cells.
  - (7) Alternatives to the A.S.T.M. test methods or sampling procedures specified by any subpart.

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- (8) Alternative continuous monitoring systems that do not meet the design or performance requirements in Performance Specification 1, Appendix B, but adequately demonstrate a definite and consistent relationship between its measurements and the measurements of opacity by a system complying with the requirements in Performance Specification 1. The Administrator may require that such demonstration be performed for each affected facility.
- (9) Alternative monitoring requirements when the effluent from a single affected facility or the combined effluent from two or more affected facilities is released to the atmosphere through more than one point.

**[40 CFR 60.13(i)]**

8.15.8 An alternative to the relative accuracy (RA) test specified in Performance Specification 2 of 40 CFR 60, Appendix B may be requested as follows:

- (1) An alternative to the reference method tests for determining RA is available for sources with emission rates demonstrated to be less than 50% of the applicable standard. A source owner or operator may petition the Administrator to waive the relative accuracy test in Section 8.4 of Performance Specification 2 and substitute the procedures in Section 16.0 if the results of a performance test conducted according to the requirements in 40 CFR 60.8 or other tests performed following the criteria in 40 CFR 60.8 demonstrate that the emission rate of the pollutant of interest in the units of the applicable standard is less than 50% of the applicable standard. For sources subject to standards expressed as control efficiency levels, a source owner or operator may petition the Administrator to waive the RA test and substitute the procedures in Section 16.0 of Performance Specification 2 if the control device exhaust emission rate is less than 50% of the level needed to meet the control efficiency requirement. The alternative procedures do not apply if the continuous emission monitoring system is used to determine compliance continuously with the applicable standard. The petition to waive the RA test shall include a detailed description of the procedures to be applied. Included shall be location and procedure for conducting the alternative, the concentration or response levels of the alternative RA materials, and the other equipment checks included in the alternative procedure. The Administrator will review the petition for completeness and applicability. The determination to grant a waiver will depend on the intended use of the CEMS data (e.g., data collection purposes other than NSPS) and may require specifications more stringent than in Performance Specification 2 (e.g., the application emission limit is more stringent than NSPS).
- (2) The waiver of a CEMS RA test will be reviewed and may be rescinded at such time, following successful completion of the alternative RA procedure, that the CEMS data indicate that the source emissions are approaching the level. The criterion for reviewing the waiver is the collection of CEMS data showing that emissions have exceeded 70% of the applicable standard for seven, consecutive, averaging periods as specified by the applicable regulation(s). For sources subject to standards expressed as control efficiency levels, the criterion for reviewing the waiver is the collection of CEMS data showing that exhaust emissions have exceeded 70% of the level needed to meet the control efficiency requirement for seven consecutive, averaging periods as specified by the applicable regulation(s) (e.g., 40 CFR 60.45(g)(2) and (3), 40 CFR 60.73(e), and 40 CFR 60.84(e)). It is the responsibility of the source operator to maintain records and determine the level of emissions relative to the criterion on the waiver of RA testing. If this criterion is exceeded, the owner or operator must notify the Administrator within

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10 days of such occurrence and include a description of the nature and cause of the increasing emissions. The Administrator will review the notification and may rescind the waiver and require the owner or operator to conduct a RA test of the CEMS as specified in Section 8.4 of Performance Specification 2.

[40 CFR 60.13(j)]

## Reporting

8.16 The owner or operator of each affected facility subject to the nitrogen oxides standard of 60.44b who seeks to demonstrate compliance with those standards through the monitoring of steam generating unit operating conditions under the provisions of 40 CFR 60.48b(g)(2) shall submit to the Administrator for approval a plan that identifies the operating conditions to be monitored under 40 CFR 60.48b(g)(2) and the records to be maintained under 40 CFR 60.49b(j). This plan shall be submitted to the Administrator for approval within 360 days of the initial startup of the affected facility. The plan shall:

- (1) Identify the specific operating conditions to be monitored and the relationship between these operating conditions and nitrogen oxides emission rates (i.e., ng/J or lbs/million Btu heat input). Steam generating unit operating conditions include, but are not limited to, the degree of staged combustion (i.e., the ratio of primary air to secondary and/or tertiary air) and the level of excess air (i.e., flue gas oxygen level);
- (2) Include the data and information which the owner or operator used to identify the relationship between nitrogen oxides emission rates and these operating conditions;
- (3) Identify how these operating conditions, including steam generating unit load, will be monitored under 40 CFR 60.48b(g) on an hourly basis by the owner or operator during the period of operation of the affected facility; the quality assurance procedures or practices that will be employed to ensure that the data generated by monitoring these operating conditions will be representative and accurate; and the type and format of the records of these operating conditions, including steam generating unit load, that will be maintained by the owner or operator under 40 CFR 60.49b(j). If the plan is approved, the owner or operator shall maintain records of predicted nitrogen oxide emission rates and the monitored operating conditions, including steam generating unit load, identified in the plan.

[40 CFR 60.49b(c)]

8.17 The owner or operator of an affected facility shall record and maintain records of the amounts of each fuel combusted during each day and calculate the annual capacity factor individually for coal, distillate oil, residual oil, natural gas, wood, and municipal-type solid waste for the reporting period. The annual capacity factor is determined on a 12-month rolling average basis with a new annual capacity factor calculated at the end of each calendar month.

[40 CFR 60.49b(d)]

## 8.18 Address

All requests, reports, applications, submittals, and other communications to the Administrator pursuant to 40 CFR 60 shall be submitted in duplicate to the appropriate Regional Office of the EPA to the attention of the Director of the Division indicated in the following list of EPA Regional Offices.

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Copies of all information required to be submitted to the EPA for applicable NSPS requirements, shall also be submitted to DEQ at the address given in Permit Condition 1 of this permit.

Region 10  
Director, Air and Waste Management Division  
EPA  
1200 Sixth Ave.  
Seattle, WA 98101

**[40 CFR 60.4(a); IDAPA 58.01.01.322.08]**

**8.19      Notification and recordkeeping**

8.19.1    Any owner or operator subject to the provisions of 40 CFR 60 shall furnish the Administrator written notification or, if acceptable to both the Administrator and the owner or operator of a source, electronic notification, as follows:

- (1)    A notification of the date construction (or reconstruction as defined under 40 CFR 60.15) of an affected facility is commenced postmarked no later than 30 days after such date. This requirement shall not apply in the case of mass-produced facilities which are purchased in completed form.
- (2)    (Reserved).
- (3)    A notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.
- (4)    A notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted under an applicable subpart or in 40 CFR 60.14(e). This notice shall be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional relevant information subsequent to this notice.
- (5)    A notification of the date upon which demonstration of the continuous monitoring system performance commences in accordance with 40 CFR 60.13(c). Notification shall be postmarked not less than 30 days prior to such date.
- (6)    A notification of the anticipated date for conducting the opacity observations required by 40 CFR 60.11(e)(1) of 40 CFR 60. The notification shall also include, if appropriate, a request for the Administrator to provide a visible emissions reader during a performance test. The notification shall be postmarked not less than 30 days prior to such date.
- (7)    A notification that continuous opacity monitoring system data results will be used to determine compliance with the applicable opacity standard during a performance test required by 40 CFR, Part 60.8 in lieu of Method 9 observation data as allowed by 40 CFR 60.11(e)(5) of 40 CFR, Part 60. This notification shall be post-marked not less than 30 days prior to the date of the performance test.

**[40 CFR 60.7(a)]**

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- 8.19.2 Any owner or operator subject to the provisions of 40 CFR 60 shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

[40 CFR 60.7(b)]

- 8.19.3 Each owner or operator required to install a continuous monitoring device shall submit excess emissions and monitoring systems performance report (excess emissions are defined in applicable subparts) and/or summary report form (see Paragraph (d) of this section) to the Administrator semiannually, except when: more frequent reporting is specifically required by an applicable subpart; or the Administrator, on a case-by-case basis, determines that more frequent reporting is necessary to accurately assess the compliance status of the source. All reports shall be postmarked by the 30th day following the end of each six-month period. Written reports of excess emissions shall include the following information:

- (1) The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h), any conversion factor(s) used, and the date and time of commencement and completion of each time period of excess emissions. The process operating time during the reporting period.
- (2) Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the affected facility. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted.
- (3) The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments.
- (4) When no excess emissions have occurred or the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the report.

[40 CFR 60.7(c)]

- 8.19.4 The summary report form shall contain the information and be in the format shown in figure 1 unless otherwise specified by the Administrator. One summary report form shall be submitted for each pollutant monitored at each affected facility.

- (1) If the total duration of excess emissions for the reporting period is less than 1% of the total operating time for the reporting period and CMS downtime for the reporting period is less than 5% of the total operating time for the reporting period, only the summary report form shall be submitted and the excess emission report described in 40 CFR 60.7(c) need not be submitted unless requested by the Administrator.
- (2) If the total duration of excess emissions for the reporting period is 1% or greater of the total operating time for the reporting period or the total CMS downtime for the reporting period is 5% or greater of the total operating time for the reporting period, the summary report form and the excess emission report described in 40 CFR 60.7(c) shall both be submitted.

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**Summary Report - Gaseous and Opacity Excess Emission and Monitoring System Performance**

Pollutant (Circle One: SO<sub>2</sub> / NO<sub>x</sub> / TRS / H<sub>2</sub>S / CO / Opacity)

Reporting period dates: From \_\_\_\_\_ to \_\_\_\_\_

Company: \_\_\_\_\_

Emission Limitation: \_\_\_\_\_

Address: \_\_\_\_\_

Monitor Manufacturer and Model No.: \_\_\_\_\_

Date of Latest CMS Certification or Audit: \_\_\_\_\_

Process Unit(s) Description: \_\_\_\_\_

Total source operating time in reporting period<sup>1</sup>: \_\_\_\_\_

**Emission Data Summary<sup>1</sup>**

**CMS Performance Summary<sup>1</sup>**

- |   |  |
|---|--|
| <p>1. Duration of excess emissions in reporting due to:</p> <p>a. Startup/shutdown _____</p> <p>b. Control equipment problems _____</p> <p>c. Process problems _____</p> <p>d. Other known causes _____</p> <p>e. Unknown causes _____</p> <p>2. Total duration of excess emission _____</p> <p>3. Total duration of excess emissions<br/>x (100) [Total source operating time] %<sup>2</sup></p> | <p>1. CMS downtime in reporting period due to:</p> <p>a. Monitor equipment malfunctions _____</p> <p>b. Non-Monitor equipment malfunctions _____</p> <p>c. Quality assurance calibration _____</p> <p>d. Other known causes _____</p> <p>e. Unknown causes _____</p> <p>2. Total CMS downtime _____</p> <p>3. [Total CMS Downtime] x (100)<br/>[Total source operating time] %<sup>2</sup></p> |
|---|--|

<sup>1</sup> For opacity, record all times in minutes. For gases, record all times in hours.

<sup>2</sup> For the reporting period: If the total duration of excess emissions is 1% or greater of the total operating time or the total CMS downtime is 5% or greater of the total operating time, both the summary report form and the excess emission report described in 40 CFR 60.7(c) shall be submitted.

On a separate page, describe any changes since last quarter in CMS, process or controls. I certify that the information contained in this report is true, accurate, and complete.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**[40 CFR 60.7(d)]**

**AIR QUALITY TIER I OPERATING PERMIT NUMBER: T1-040321**

<b>Permittee:</b>	Nu-West; Agrium	<b>Facility ID No.</b> 029-00003	<b>Date Issued:</b>	October 28, 2002
<b>Location:</b>	Soda Springs, ID		<b>Date Modified/Amended:</b>	April 28, 2006
			<b>Date Expires:</b>	October 28, 2006

8.19.5 (1) Notwithstanding the frequency of reporting requirements specified in paragraph (c) of this section, an owner or operator who is required by an applicable subpart to submit excess emissions and monitoring systems performance reports (and summary reports) on a quarterly (or more frequent) basis may reduce the frequency of reporting for that standard to semiannual if the following conditions are met:

- (i) For one full year (e.g., four quarterly or 12 monthly reporting periods) the affected facility's excess emissions and monitoring systems reports submitted to comply with a standard under 40 CFR 60 continually demonstrate that the facility is in compliance with the applicable standard;
- (ii) The owner or operator continues to comply with all recordkeeping and monitoring requirements specified in Subpart A and the applicable standard; and
- (iii) The Administrator does not object to a reduced frequency of reporting for the affected facility, as provided in paragraph (e)(2) of this section.

- (2) The frequency of reporting of excess emissions and monitoring systems performance (and summary) reports may be reduced only after the owner or operator notifies the Administrator in writing of his or her intention to make such a change and the Administrator does not object to the intended change. In deciding whether to approve a reduced frequency of reporting, the Administrator may review information concerning the source's entire previous performance history during the required recordkeeping period prior to the intended change, including performance test results, monitoring data, and evaluations of an owner or operator's conformance with operation and maintenance requirements. Such information may be used by the Administrator to make a judgment about the source's potential for noncompliance in the future. If the Administrator disapproves the owner or operator's request to reduce the frequency of reporting, the Administrator will notify the owner or operator in writing within 45 days after receiving notice of the owner or operator's intention. The notification from the Administrator to the owner or operator will specify the grounds on which the disapproval is based. In the absence of a notice of disapproval within 45 days, approval is automatically granted.
- (3) As soon as monitoring data indicate that the affected facility is not in compliance with any emission limitation or operating parameter specified in the applicable standard, the frequency of reporting shall revert to the frequency specified in the applicable standard, and the owner or operator shall submit an excess emissions and monitoring systems performance report (and summary report, if required) at the next appropriate reporting period following the noncomplying event. After demonstrating compliance with the applicable standard for another full year, the owner or operator may again request approval from the Administrator to reduce the frequency of reporting for that standard as provided for in paragraphs (e)(1) and (e)(2) of this section.

[40 CFR 60.7(e)]

**AIR QUALITY TIER I OPERATING PERMIT NUMBER: T1-040321**

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8.19.6 Any owner or operator subject to the provisions of 40 CFR 60 shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by 40 CFR 60 recorded in a permanent form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, maintenance, reports, and records, except as follows;

- (1) This paragraph applies to owners or operators required to install a continuous emissions monitoring system (CEMS) where the CEMS installed is automated, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. An automated CEMS records and reduces the measured data to the form of the pollutant emission standard through the use of a computerized data acquisition system. In lieu of maintaining a file of all CEMS subhourly measurements as required under Paragraph (f) of this section, the owner or operator shall retain the most recent consecutive three averaging periods of subhourly measurements and a file that contains a hard copy of the data acquisition system algorithm used to reduce the measured data into the reportable form of the standard.
- (2) This paragraph applies to owners or operators required to install a CEMS where the measured data is manually reduced to obtain the reportable form of the standard, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (f) of this section, the owner or operator shall retain all subhourly measurements for the most recent reporting period. The subhourly measurements shall be retained for 120 days from the date of the most recent summary or excess emission report submitted to the Administrator.
- (3) The Administrator or delegated authority, upon notification to the source, may require the owner or operator to maintain all measurements as required by paragraph (f) of this section, if the Administrator or the delegated authority determines these records are required to more accurately assess the compliance status of the affected source.

[40 CFR 60.7(f)]

8.19.7 If notification substantially similar to that in paragraph (a) of this section is required by any other State or local agency, sending the Administrator a copy of that notification will satisfy the requirements of paragraph (a) of this section.

[40 CFR 60.7(g)]

**PTC General Provisions**

8.20 The permittee shall at all times (except as provided in the *Rules*) maintain in good working order and operate as efficiently as practicable, all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable Idaho laws for the control of air pollution.

[PTC No. P-040320, General Provision 2, April 28, 2006]

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Location:	Soda Springs, ID			

## 9. INSIGNIFICANT ACTIVITIES

Activities and emission units identified as insignificant under IDAPA 58.01.01.317.01(b) are listed in the Tier I operating permit to qualify for a permit shield.

Table 9.1. INSIGNIFICANT EMISSIONS UNITS

Description	Insignificant Activities IDAPA 58.01.01.317.01(b)(i) Citation
One 2,000-gallon gasoline storage tank One 250-gallon diesel fuel storage tank Three 500-gallon portable diesel fuel storage tanks One 1,000-gallon diesel fuel storage tank One 2,000-gallon diesel fuel storage tank One 1,200-gallon diesel fuel storage tank One 500-gallon 10W oil storage tank One 250-gallon 30W oil storage tank One 500-gallon 30W oil storage tank One 250-gallon antifreeze storage tank One 1,900-gallon used oil storage tank One 10,000-gallon dust suppressant storage tank One 17,000-gallon dust suppressant storage tank	3
One 250-gallon propane storage tank Two 500-gallon propane storage tanks	4
Combustion sources, less than 5 MMBtu/hr, exclusively using natural gas, butane, propane, and/or LPG	5
Welding not using more than 1 T/day of welding rod	9
A water cooling tower is used to cool the process steam at the sulfuric acid plant (indirect cooling)	13
An industrial water chlorination system utilizing compress chlorine gas with a daily maximum treatment capacity engineered for 576,000 gpd	16
Space heaters and hot water heaters using natural gas, propane or kerosene and generating less than 5 MMBtu/hr	18
Tanks and pumping equipment for storage and dispensing of acids not greater than 99% H <sub>2</sub> SO <sub>4</sub> or H <sub>3</sub> PO <sub>4</sub> exist at the facility.	19
Therminol® 55 Heat Transfer Fluid is the HBPOM used at the facility (Boiling range: 335°C to 390°C at 760 mm; Reid vapor pressure: 0.16 psi at 100°F)	20
Rolling of cold metal not exceeding 48 inches wide and ½-inch thick	23
2 Hartzell natural gas-fired building air heaters rated at 5.2 MMBtu/hr	30
Ore unloading and transfer (F-Oa-1)	30
Ore storage to Wash Plant (F-Ob-1)	30
Wash plant and grinding mills (S-W-1, S-W-2)	30

- 9.1 There are no monitoring, recordkeeping, or reporting requirements for insignificant emission units or activities beyond those required in the Facility-wide Permit Conditions.

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## 10. TIER I OPERATING PERMIT GENERAL PROVISIONS

### *General Compliance*

1. The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation and is grounds for enforcement action; for permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application.  
[IDAPA 58.01.01.322.15.a, 5/1/94; 40 CFR 70.6(a)(6)(i)]
2. It shall not be a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the terms and conditions of this permit.  
[IDAPA 58.01.01.322.15.b, 5/1/94; 40 CFR 70.6(a)(6)(ii)]
3. Any permittee who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information.  
[IDAPA 58.01.01.315.01, 5/1/94; 40 CFR 70.5(b)]

### *Reopening*

4. This permit may be revised, reopened, revoked and reissued, or terminated for cause. Cause for reopening exists under any of the circumstances listed in IDAPA 58.01.01.386. Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable in accordance with IDAPA 58.01.01.360 through 369.  
[IDAPA 58.01.01.322.15.c, 5/1/94; IDAPA 58.01.01.386, 3/19/99; 40 CFR 70.7(f)(1) and (2); 40 CFR 70.6(a)(6)(iii)]
5. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.  
[IDAPA 58.01.01.322.15.d, 5/1/94; 40 CFR 70.6(a)(6)(iii)]

### *Property Rights*

6. This permit does not convey any property rights of any sort, or any exclusive privilege.  
[IDAPA 58.01.01.322.15.e, 5/1/94; 40 CFR 70.6(a)(6)(iv)]

### *Information Requests*

7. The permittee shall furnish all information requested by DEQ, within a reasonable time, that DEQ may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit.  
[Idaho Code §39-108; IDAPA 58.01.01.122 (5/1/94) and 322.15.f (4/5/00); 40 CFR 70.6(a)(6)(v)]

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8. Upon request, the permittee shall furnish to DEQ copies of records required to be kept by this permit. For information claimed to be confidential, the permittee may furnish such records along with a claim of confidentiality in accordance with Idaho Code §39-342A and applicable implementing regulations including IDAPA 58.01.01.128.

[IDAPA 58.01.01.322.15.g, 5/1/94; IDAPA 58.01.01.128, 4/5/00; 40 CFR 70.6(a)(6)(v)]

### **Severability**

9. The provisions of this permit are severable, and if any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

[IDAPA 58.01.01.322.15.h, 5/1/94; 40 CFR 70.6(a)(5)]

### **Changes Requiring Permit Revision or Notice**

10. The permittee may not commence construction or modification of any stationary source, facility, major facility, or major modification without first obtaining all necessary permits to construct or an approval under IDAPA 58.01.01.213, or complying with IDAPA 58.01.01.220 through 223. The permittee shall comply with IDAPA 58.01.01.380 through 386 as applicable.

[IDAPA 58.01.01.200-223, 4/5/00; IDAPA 58.01.01.322.15.i, 380-386, 3/19/99; 40 CFR 70.4(b)(12), (14) and (15), and 70.7(d) and (e)]

11. Changes that are not addressed or prohibited by the Tier I operating permit require a Tier I operating permit revision if such changes are subject to any requirement under Title IV of the CAA, 42 USC Section 7651 through 7651c, or are modifications under Title I of the CAA, 42 USC Section 7401 through 7515. Administrative amendments (IDAPA 58.01.01.381), minor permit modifications (IDAPA 58.01.01.383), and significant permit modifications (IDAPA 58.01.01.382) require a revision to the Tier I operating permit. IDAPA 58.01.01.502(b)(10) changes are authorized in accordance with IDAPA 58.01.01.384. Off-permit changes and required notice are authorized in accordance with IDAPA 58.01.01.385.

[IDAPA 58.01.01.381-385, 3/19/99; IDAPA 58.01.01.209.05, 5/1/94; 40 CFR 70.4(b)(14) and (15)]

### **Federal and State Enforceability**

12. Unless specifically identified as a "State-only" provision, all terms and conditions in this permit, including any terms and conditions designed to limit a source's potential to emit, are enforceable: (i) by DEQ in accordance with state law; and (ii) by the United States or any other person in accordance with federal law.

[IDAPA 58.01.01.322.15.j, 5/1/94; 40 CFR 70.6(b)(1) and (2)]

13. Provisions specifically identified as a "State-only" provision are enforceable only in accordance with state law. "State-only" provisions are those that are not required under the Federal Clean Air Act or under any of its applicable requirements or those provisions adopted by the state prior to federal approval.

[Idaho Code §39-108; IDAPA 58.01.01.322.15.k, 3/23/98]

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### ***Inspection and Entry***

14. Upon presentation of credentials, the permittee shall allow DEQ or an authorized representative of DEQ to do the following:
  - 14.1 Enter upon the permittee's premises where a Tier I source is located or emissions related activity is conducted, or where records are kept under conditions of this permit;
  - 14.2 Have access to and copy, at reasonable times, any records that are kept under the conditions of this permit;
  - 14.3 Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and
  - 14.4 As authorized by the Idaho Environmental Protection and Health Act, sample or monitor, at reasonable times, substances or parameters for the purpose of determining or ensuring compliance with this permit or applicable requirements.

[Idaho Code §39-108; IDAPA 58.01.01.322.15.i, 3/19/99; 40 CFR 70.6(c)(2)]

### ***New Requirements During Permit Term***

15. The permittee shall comply with applicable requirements that become effective during the permit term on a timely basis.

[IDAPA 58.01.01.322.10, 4/5/00; IDAPA 58.01.01.314.10.a.ii, 5/1/94;  
40 CFR 70.6(c)(3) citing 70.5(c)(8)]

### ***Fees***

16. The owner or operator of a Tier I source shall pay annual registration fees to DEQ in accordance with IDAPA 58.01.01.387 through IDAPA 58.01.01.397.

[IDAPA 58.01.01.322.15.n, 5/1/94; 40 CFR 70.6(a)(7)]

### ***Certification***

17. All documents submitted to DEQ shall be certified in accordance with IDAPA 58.01.01.123 and comply with IDAPA 58.01.01.124.

[IDAPA 58.01.01.322.15.o, 5/1/94; 40 CFR 70.6(a)(3)(iii)(A); 40 CFR 70.5(d)]

### ***Renewal***

18. The owner or operator of a Tier I source shall submit an application to DEQ for a renewal of this permit at least six months before, but no earlier than 18 months before, the expiration date of this operating permit. To ensure that the term of the operating permit does not expire before the permit is renewed, the owner or operator is encouraged to submit a renewal application nine months prior to the date of expiration.

[IDAPA 58.01.01.313.03, 4/5/00; 40 CFR 70.5(a)(1)(iii)]

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- 18.1 If a timely and complete application for a Tier I operating permit renewal is submitted, but DEQ fails to issue or deny the renewal permit before the end of the term of this permit, then all the terms and conditions of this permit including any permit shield that may have been granted pursuant to IDAPA 58.01.01.325 shall remain in effect until the renewal permit has been issued or denied.

[IDAPA 58.01.01.322.15.p, 5/1/94; 40 CFR 70.7(b)]

### ***Permit Shield***

19. Compliance with the terms and conditions of the Tier I operating permit, including those applicable to all alternative operating scenarios and trading scenarios, shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that:

- 19.1 Such applicable requirements are included and are specifically identified in the Tier I operating permit; or

- 19.1.1 DEQ has determined that other requirements specifically identified are not applicable and all of the criteria set forth in IDAPA 58.01.01.325.01(b) have been met.

- 19.2 The permit shield shall apply to permit revisions made in accordance with IDAPA 58.01.01.381.04 (administrative amendments incorporating the terms of a permit to construct), IDAPA 58.01.01.382.04 (significant modifications), and IDAPA 58.01.01.384.03 (trading under an emissions cap).

- 19.3 Nothing in this permit shall alter or affect the following:

- 19.3.1 Any administrative authority or judicial remedy available to prevent or terminate emergencies or imminent and substantial dangers;

- 19.3.2 The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;

- 19.3.3 The applicable requirements of the acid rain program, consistent with 42 U.S.C. Section 7651(g)(a); and

- 19.3.4 The ability of EPA to obtain information from a source pursuant to Section 114 of the CAA; or the ability of DEQ to obtain information from a source pursuant to Idaho Code §39-108 and IDAPA 58.01.01.122.

[Idaho Code §39-108 and 112; IDAPA 58.01.01.122, 322.15.m, 325, 5/1/94; IDAPA 58.01.01.381.04, 382.04, 383.05, 384.03, 385.03, 3/19/99; 40 CFR 70.6(f)]

### ***Compliance Schedule and Progress Reports***

20. For each applicable requirement for which the source is not in compliance, the permittee shall comply with the compliance schedule incorporated in this permit.

- 20.1 For each applicable requirement that will become effective during the term of this permit and that provides a detailed compliance schedule, the permittee shall comply with such requirements in accordance with the detailed schedule.

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20.2 For each applicable requirement that will become effective during the term of this permit that does not contain a more detailed schedule, the permittee shall meet such requirements on a timely basis.

20.3 For each applicable requirement with which the permittee is in compliance, the permittee shall continue to comply with such requirements.

[IDAPA 58.01.01.322.10, 4/5/00; IDAPA 58.01.01.314.9, 10, 5/1/94; 40 CFR 70.6(c)(3) and (4)]

***Periodic Compliance Certification***

21. The permittee shall submit compliance certifications during the term of the permit for each emissions unit to DEQ and the EPA as follows:

21.1 The permittee's reporting period for annual compliance certifications for all emissions units shall be from January 1 to December 31 of each year. The compliance certifications shall be submitted to DEQ and a copy of all compliance certifications shall be submitted to the EPA within 30 days of the end of the specified reporting period;

21.2 The compliance certification for each emissions unit shall address all of the terms and conditions contained in the Tier I operating permit that are applicable to such emissions unit including emissions limitations, standards, and work practices;

21.3 The compliance certification shall be in an itemized form providing the following information (provided that the identification of applicable information may cross-reference the permit or previous reports as applicable):

21.3.1 The identification of each term or condition of the Tier I operating permit that is the basis of the certification;

21.3.2 The identification of the method(s) or other means used by the owner or operator for determining the compliance status with each term and condition during the certification period. Such methods and other means shall include, at a minimum, the methods and means required by this Tier I operating permit;

21.3.3 The status of compliance with the terms and conditions of the permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification shall be based on the method or means designated in Paragraph 21.3.2 above. The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify as possible exceptions to compliance any periods during which compliance is required and in which an excursion or exceedance as defined under 40 CFR 64 occurred; and

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- 21.3.4 Such other facts as DEQ may require to determine the compliance status of the source.  
**[IDAPA 58.01.01.322.11, 2/5/04T; 40 CFR 70.6(c)(5)(iii) as amended, 62 Fed. Reg. 54900, 54946, 10/22/97; 40 CFR 70.6(c)(5)(iv)]**

### ***False Statements***

22. No person shall knowingly make any false statement, representation, or certification in any form, notice, or report required under this permit, or any applicable rule or order in force pursuant thereto.  
**[IDAPA 58.01.01.125, 3/23/98]**

### ***No Tampering***

23. No person shall knowingly render inaccurate any monitoring device or method required under this permit or any applicable rule or order in force pursuant thereto.  
**[IDAPA 58.01.01.126, 3/23/98]**

### ***Annual and Semiannual Monitoring Reports***

24. In addition to all applicable reporting requirements identified in this permit, the permittee shall submit reports of any required monitoring at least every six months. The permittee's semiannual reporting periods shall be from January 1 to June 30 and from July 1 to December 31. All instances of deviations from this operating permit's requirements must be clearly identified in the report. The semiannual reports shall be submitted to DEQ within 30 days of the end of the specified reporting period.  
**[IDAPA 58.01.01.322.15.q, 3/23/98; IDAPA 58.01.01.322.08.c, 4/5/00; 40 CFR 70.6(a)(3)(iii)]**

### ***Reporting Deviations and Excess Emissions***

25. The permittee shall promptly report all deviations from permit requirements including upset conditions, their probable cause, and any corrective actions or preventive measures taken. For excess emissions, the report shall be made in accordance with IDAPA 58.01.01.130-136. For all other deviations, the report shall be made in accordance with IDAPA 58.01.01.322.08.c, unless otherwise specified in this permit.  
**[IDAPA 58.01.01.322.15.q, 3/23/98; IDAPA 58.01.01.135, 4/5/00; 40 CFR 70.6(a)(3)(iii)]**

### ***Permit Revision Not Required***

26. No permit revision shall be required under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit.  
**[IDAPA 58.01.01.322.05.b, 4/5/00; 40 CFR 70.6(a)(8)]**

### ***Emergency***

27. In accordance with IDAPA 58.01.01.332, an "emergency" as defined in IDAPA 58.01.01.008., constitutes an affirmative defense to an action brought for noncompliance with such technology-based emissions limitation if the conditions of IDAPA 58.01.01.332.02 are met.  
**[IDAPA 58.01.01.332.01, 3/19/99; 40 CFR 70.6(g)]**

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## 11. APPENDIX A – 40 CFR 63 SUBPART A REQUIREMENTS

Provided below is a copy of 40 CFR, Subpart A which is current as of the time of issuance of this permit. Where DEQ has provided a reprint of an applicable federal regulation, in the case of any discrepancy or conflict between the reprint and the Code of Federal Regulations (CFR), the requirement in the CFR shall control.

### ***Prohibited activities and circumvention***

#### **(a) Prohibited activities**

(1) No owner or operator subject to the provisions of 40 CFR 63 shall operate any affected source in violation of the requirements of 40 CFR 63 except under

(i) An extension of compliance granted by the Administrator under 40 CFR 63; or

(ii) An extension of compliance granted under 40 CFR 63 by a State with an approved permit program; or

(iii) An exemption from compliance granted by the President under section 112(i)(4) of the Act.

(2) No owner or operator subject to the provisions of 40 CFR 63 shall fail to keep records, notify, report, or revise reports as required under 40 CFR 63.

(3) After the effective date of an approved permit program in a State, no owner or operator of an affected source in that State who is required under 40 CFR 63 to obtain a title V permit shall operate such source except in compliance with the provisions of 40 CFR 63 and the applicable requirements of the permit program in that State.

(4) (Reserved).

(5) An owner or operator of an affected source who is subject to an emission standard promulgated under 40 CFR 63 shall comply with the requirements of that standard by the date(s) established in the applicable subpart(s) of 40 CFR 63 regardless of whether

(i) A title V permit has been issued to that source; or

(ii) If a title V permit has been issued to that source, whether such permit has been revised or modified to incorporate the emission standard.

#### **(b) Circumvention.**

No owner or operator subject to the provisions of 40 CFR 63 shall build, erect, install, or use any article, machine, equipment, or process to conceal an emission that would otherwise constitute noncompliance with a relevant standard.

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Such concealment includes, but is not limited to

(1) The use of diluents to achieve compliance with a relevant standard based on the concentration of a pollutant in the effluent discharged to the atmosphere;

(2) The use of gaseous diluents to achieve compliance with a relevant standard for visible emissions; and

(3) The fragmentation of an operation such that the operation avoids regulation by a relevant standard.

(c) **Severability.**

Notwithstanding any requirement incorporated into a Title V permit obtained by an owner or operator subject to the provisions of 40 CFR 63, the provisions of 40 CFR 63 are federally enforceable.

[40 CFR 63.4]

### ***Operation and maintenance requirements***

(e) **Operation and maintenance requirements.**

(1)(i) At all times, including periods of startup, shutdown, and malfunction, owners or operators shall operate and maintain any affected source, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions at least to the levels required by all relevant standards.

(ii) Malfunctions shall be corrected as soon as practicable after their occurrence in accordance with the startup, shutdown, and malfunction plan required in paragraph (e)(3) of this section.

(iii) Operation and maintenance requirements established pursuant to section 112 of the Act are enforceable independent of emissions limitations or other requirements in relevant standards.

(2) Determination of whether acceptable operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures [including the startup, shutdown, and malfunction plan required in paragraph (e)(3) of this section], review of operation and maintenance records, and inspection of the source.

(3) **Startup, Shutdown, and Malfunction Plan.**

(i) The owner or operator of an affected source shall develop and implement a written startup, shutdown, and malfunction plan that describes, in detail, procedures for operating and maintaining the source during periods of startup, shutdown, and malfunction and a program of corrective action for malfunctioning process and air pollution control equipment used to comply with the relevant standard. As required under 40 CFR 63.8(c)(1)(i), the plan shall identify all routine or otherwise predictable CMS malfunctions. This plan shall be developed by the owner or operator by the source's compliance date for that relevant standard. The plan shall be incorporated by reference into the source's title V permit. The purpose of the startup, shutdown, and malfunction plan is to

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(A) Ensure that, at all times, owners or operators operate and maintain affected sources, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions at least to the levels required by all relevant standards;

(B) Ensure that owners or operators are prepared to correct malfunctions as soon as practicable after their occurrence in order to minimize excess emissions of hazardous air pollutants; and

(C) Reduce the reporting burden associated with periods of startup, shutdown, and malfunction (including corrective action taken to restore malfunctioning process and air pollution control equipment to its normal or usual manner of operation).

(ii) During periods of startup, shutdown, and malfunction, the owner or operator of an affected source shall operate and maintain such source (including associated air pollution control equipment) in accordance with the procedures specified in the startup, shutdown, and malfunction plan developed under paragraph (e)(3)(i) of this section.

(iii) When actions taken by the owner or operator during a startup, shutdown, or malfunction (including actions taken to correct a malfunction) are consistent with the procedures specified in the affected source's startup, shutdown, and malfunction plan, the owner or operator shall keep records for that event that demonstrate that the procedures specified in the plan were followed. These records may take the form of a "checklist," or other effective form of recordkeeping, that confirms conformance with the startup, shutdown, and malfunction plan for that event. In addition, the owner or operator shall keep records of these events as specified in 40 CFR 63.10(b) (and elsewhere in 40 CFR 63), including records of the occurrence and duration of each startup, shutdown, or malfunction of operation and each malfunction of the air pollution control equipment. Furthermore, the owner or operator shall confirm that actions taken during the relevant reporting period during periods of startup, shutdown, and malfunction were consistent with the affected source's startup, shutdown and malfunction plan in the semiannual (or more frequent) startup, shutdown, and malfunction report required in 40 CFR 63.10(d)(5).

(iv) If an action taken by the owner or operator during a startup, shutdown, or malfunction (including an action taken to correct a malfunction) is not consistent with the procedures specified in the affected source's startup, shutdown, and malfunction plan, the owner or operator shall record the actions taken for that event and shall report such actions within two working days after commencing actions inconsistent with the plan, followed by a letter within seven working days after the end of the event, in accordance with 40 CFR 63.10(d)(5) (unless the owner or operator makes alternative reporting arrangements, in advance, with the Administrator [see 40 CFR 63.10(d)(5)(ii)]).

(v) The owner or operator shall keep the written startup, shutdown, and malfunction plan on record after it is developed to be made available for inspection, upon request, by the Administrator for the life of the affected source or until the affected source is no longer subject to the provisions of 40 CFR 63. In addition, if the startup, shutdown, and malfunction plan is revised, the owner or operator shall keep previous (i.e., superseded) versions of the startup, shutdown, and malfunction plan on record, to be made available for inspection, upon request, by the Administrator, for a period of five years after each revision to the plan.

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(vi) To satisfy the requirements of this section to develop a startup, shutdown, and malfunction plan, the owner or operator may use the affected source's standard operating procedures (SOP) manual, or an Occupational Safety and Health Administration (OSHA) or other plan, provided the alternative plans meet all the requirements of this section and are made available for inspection when requested by the Administrator.

(vii) Based on the results of a determination made under paragraph (e)(2) of this section, the Administrator may require that an owner or operator of an affected source make changes to the startup, shutdown, and malfunction plan for that source. The Administrator may require reasonable revisions to a startup, shutdown, and malfunction plan, if the Administrator finds that the plan:

(A) Does not address a startup, shutdown, or malfunction event that has occurred;

(B) Fails to provide for the operation of the source (including associated air pollution control equipment) during a startup, shutdown, or malfunction event in a manner consistent with good air pollution control practices for minimizing emissions at least to the levels required by all relevant standards; or

(C) Does not provide adequate procedures for correcting malfunctioning process and/or air pollution control equipment as quickly as practicable.

(viii) If the startup, shutdown, and malfunction plan fails to address or inadequately addresses an event that meets the characteristics of a malfunction but was not included in the startup, shutdown, and malfunction plan at the time the owner or operator developed the plan, the owner or operator shall revise the startup, shutdown, and malfunction plan within 45 days after the event to include detailed procedures for operating and maintaining the source during similar malfunction events and a program of corrective action for similar malfunctions of process or air pollution control equipment.

**(f) Compliance with nonopacity emission standards**

(1) Applicability. The nonopacity emission standards set forth in 40 CFR 63 shall apply at all times except during periods of startup, shutdown, and malfunction, and as otherwise specified in an applicable subpart.

**[40 CFR 63.6(e), (f)(1)]**

**Performance testing requirements**

**(a) Applicability and performance test dates.**

(1) Unless otherwise specified, this section applies to the owner or operator of an affected source required to do performance testing, or another form of compliance demonstration, under a relevant standard.

(2) If required to do performance testing by a relevant standard, and unless a waiver of performance testing is obtained under this section or the conditions of paragraph (c)(3)(ii)(B) of this section apply, the owner or operator of the affected source shall perform such tests as follows:

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- (i) Within 180 days after the effective date of a relevant standard for a new source that has an initial startup date before the effective date; or
- (ii) Within 180 days after initial startup for a new source that has an initial startup date after the effective date of a relevant standard; or
- (iii) Within 180 days after the compliance date specified in an applicable subpart of 40 CFR 63 for an existing source subject to an emission standard established pursuant to section 112(d) of the Act, or within 180 days after startup of an existing source if the source begins operation after the effective date of the relevant emission standard; or
- (iv) Within 180 days after the compliance date for an existing source subject to an emission standard established pursuant to section 112(f) of the Act; or
- (v) Within 180 days after the termination date of the source's extension of compliance for an existing source that obtains an extension of compliance under 40 CFR 63.6(i); or
- (vi) Within 180 days after the compliance date for a new source, subject to an emission standard established pursuant to section 112(f) of the Act, for which construction or reconstruction is commenced after the proposal date of a relevant standard established pursuant to section 112(d) of the Act but before the proposal date of the relevant standard established pursuant to section 112(f) [see 40 CFR 63.6(b)(4)]; or
- (vii) (Reserved).
- (viii) (Reserved).
- (ix) When an emission standard promulgated under 40 CFR 63 is more stringent than the standard proposed [see 40 CFR 63.6(b)(3)], the owner or operator of a new or reconstructed source subject to that standard for which construction or reconstruction is commenced between the proposal and promulgation dates of the standard shall comply with performance testing requirements within 180 days after the standard's effective date, or within 180 days after startup of the source, whichever is later. If the promulgated standard is more stringent than the proposed standard, the owner or operator may choose to demonstrate compliance with either the proposed or the promulgated standard. If the owner or operator chooses to comply with the proposed standard initially, the owner or operator shall conduct a second performance test within three years and 180 days after the effective date of the standard, or after startup of the source, whichever is later, to demonstrate compliance with the promulgated standard.

(3) The Administrator may require an owner or operator to conduct performance tests at the affected source at any other time when the action is authorized by section 114 of the Act.

**[40 CFR 63.7(a)]**

**(b) Notification of performance test.**

(1) The owner or operator of an affected source shall notify the Administrator in writing of his or her intention to conduct a performance test at least 60 calendar days before the performance test is scheduled to begin to allow the Administrator, upon request, to review and approve the site-specific test plan required under paragraph (c) of this section and to have an observer present during the test. Observation of the performance test by the Administrator is optional.

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(2) In the event the owner or operator is unable to conduct the performance test on the date specified in the notification requirement specified in paragraph (b)(1) of this section, due to unforeseeable circumstances beyond his or her control, the owner or operator shall notify the Administrator within five days prior to the scheduled performance test date and specify the date when the performance test is rescheduled. This notification of delay in conducting the performance test shall not relieve the owner or operator of legal responsibility for compliance with any other applicable provisions of 40 CFR 63 or with any other applicable Federal, State, or local requirement, nor will it prevent the Administrator from implementing or enforcing 40 CFR 63 or taking any other action under the Act. [40 CFR 63.7(b)]

**(c) Quality assurance program.**

(1) The results of the quality assurance program required in this paragraph will be considered by the Administrator when he/she determines the validity of a performance test.

(2)(i) Submission of site-specific test plan. Before conducting a required performance test, the owner or operator of an affected source shall develop and, if requested by the Administrator, shall submit a site-specific test plan to the Administrator for approval. The test plan shall include a test program summary, the test schedule, data quality objectives, and both an internal and external quality assurance (QA) program. Data quality objectives are the pretest expectations of precision, accuracy, and completeness of data.

(ii) The internal QA program shall include, at a minimum, the activities planned by routine operators and analysts to provide an assessment of test data precision; an example of internal QA is the sampling and analysis of replicate samples.

(iii) The external QA program shall include, at a minimum, application of plans for a test method performance audit (PA) during the performance test. The PA's consist of blind audit samples provided by the Administrator and analyzed during the performance test in order to provide a measure of test data bias. The external QA program may also include systems audits that include the opportunity for onsite evaluation by the Administrator of instrument calibration, data validation, sample logging, and documentation of quality control data and field maintenance activities.

(iv) The owner or operator of an affected source shall submit the site-specific test plan to the Administrator upon the Administrator's request at least 60 calendar days before the performance test is scheduled to take place, that is, simultaneously with the notification of intention to conduct a performance test required under paragraph (b) of this section, or on a mutually agreed upon date.

(v) The Administrator may request additional relevant information after the submittal of a site-specific test plan.

**(3) Approval of site-specific test plan.**

(i) The Administrator will notify the owner or operator of approval or intention to deny approval of the site-specific test plan (if review of the site-specific test plan is requested) within 30 calendar days after receipt of the original plan and within 30 calendar days after receipt of any supplementary information that is submitted under paragraph (c)(3)(i)(B) of this section. Before disapproving any site-specific test plan, the Administrator will notify the applicant of the Administrator's intention to disapprove the plan together with:

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(A) Notice of the information and findings on which the intended disapproval is based; and

(B) Notice of opportunity for the owner or operator to present, within 30 calendar days after he/she is notified of the intended disapproval, additional information to the Administrator before final action on the plan.

(ii) In the event that the Administrator fails to approve or disapprove the site-specific test plan within the time period specified in paragraph (c)(3)(i) of this section, the following conditions shall apply:

(A) If the owner or operator intends to demonstrate compliance using the test method(s) specified in the relevant standard, the owner or operator shall conduct the performance test within the time specified in this section using the specified method(s);

(B) If the owner or operator intends to demonstrate compliance by using an alternative to any test method specified in the relevant standard, the owner or operator shall refrain from conducting the performance test until the Administrator approves the use of the alternative method when the Administrator approves the site-specific test plan (if review of the site-specific test plan is requested) or until after the alternative method is approved [see paragraph (f) of this section]. If the Administrator does not approve the site-specific test plan (if review is requested) or the use of the alternative method within 30 days before the test is scheduled to begin, the performance test dates specified in paragraph (a) of this section may be extended such that the owner or operator shall conduct the performance test within 60 calendar days after the Administrator approves the site-specific test plan or after use of the alternative method is approved. Notwithstanding the requirements in the preceding two sentences, the owner or operator may proceed to conduct the performance test as required in this section (without the Administrator's prior approval of the site-specific test plan) if he/she subsequently chooses to use the specified testing and monitoring methods instead of an alternative.

(iii) Neither the submission of a site-specific test plan for approval, nor the Administrator's approval or disapproval of a plan, nor the Administrator's failure to approve or disapprove a plan in a timely manner shall

(A) Relieve an owner or operator of legal responsibility for compliance with any applicable provisions of 40CFR Part 63 or with any other applicable Federal, State, or local requirement; or

(B) Prevent the Administrator from implementing or enforcing 40 CFR 63 or taking any other action under the Act.

(4)(i) Performance test method audit program. The owner or operator shall analyze performance audit (PA) samples during each performance test. The owner or operator shall request performance audit materials 45 days prior to the test date. Cylinder audit gases, if available, must be obtained from the appropriate EPA Regional Office or from the responsible enforcement authority and analyzed in conjunction with the field samples.

(ii) The Administrator will have sole discretion to require any subsequent remedial actions of the owner or operator based on the PA results.

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(iii) If the Administrator fails to provide required PA materials to an owner or operator of an affected source in time to analyze the PA samples during a performance test, the requirement to conduct a PA under this paragraph shall be waived for such source for that performance test. Waiver under this paragraph of the requirement to conduct a PA for a particular performance test does not constitute a waiver of the requirement to conduct a PA for future required performance tests.

[40 CFR 63.7(c)]

**(d) Performance testing facilities.**

If required to do performance testing, the owner or operator of each new source and, at the request of the Administrator, the owner or operator of each existing source, shall provide performance testing facilities as follows:

- (1) Sampling ports adequate for test methods applicable to such source. This includes:
  - (i) Constructing the air pollution control system such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and procedures; and
  - (ii) Providing a stack or duct free of cyclonic flow during performance tests, as demonstrated by applicable test methods and procedures;
- (2) Safe sampling platform(s);
- (3) Safe access to sampling platform(s);
- (4) Utilities for sampling and testing equipment; and
- (5) Any other facilities that the Administrator deems necessary for safe and adequate testing of a source.

[40 CFR 63.7(d)]

**(e) Conduct of performance tests.**

(1) Performance tests shall be conducted under such conditions as the Administrator specifies to the owner or operator based on representative performance (i.e., performance based on normal operating conditions) of the affected source. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test, nor shall emissions in excess of the level of the relevant standard during periods of startup, shutdown, and malfunction be considered a violation of the relevant standard unless otherwise specified in the relevant standard or a determination of noncompliance is made under 40 CFR 63.6(e). Upon request, the owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of performance tests.

(2) Performance tests shall be conducted and data shall be reduced in accordance with the test methods and procedures set forth in this section, in each relevant standard, and, if required, in applicable appendices of parts 51, 60, 61, and 63 of this chapter unless the Administrator --

- (i) Specifies or approves, in specific cases, the use of a test method with minor changes in methodology; or

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(ii) Approves the use of an alternative test method, the results of which the Administrator has determined to be adequate for indicating whether a specific affected source is in compliance; or

(iii) Approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors; or

(iv) Waives the requirement for performance tests because the owner or operator of an affected source has demonstrated by other means to the Administrator's satisfaction that the affected source is in compliance with the relevant standard.

(3) Unless otherwise specified in a relevant standard or test method, each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the relevant standard. For the purpose of determining compliance with a relevant standard, the arithmetic mean of the results of the three runs shall apply. Upon receiving approval from the Administrator, results of a test run may be replaced with results of an additional test run in the event that --

(i) A sample is accidentally lost after the testing team leaves the site; or

(ii) Conditions occur in which one of the three runs must be discontinued because of forced shutdown; or

(iii) Extreme meteorological conditions occur; or

(iv) Other circumstances occur that are beyond the owner or operator's control.

(4) Nothing in paragraphs (e)(1) through (e)(3) of this section shall be construed to abrogate the Administrator's authority to require testing under section 114 of the Act.

**[40 CFR 63.7(e)]**

**(f) Use of an alternative test method**

(1) General. Until permission to use an alternative test method has been granted by the Administrator under this paragraph, the owner or operator of an affected source remains subject to the requirements of this section and the relevant standard.

(2) The owner or operator of an affected source required to do performance testing by a relevant standard may use an alternative test method from that specified in the standard provided that the owner or operator

(i) Notifies the Administrator of his or her intention to use an alternative test method not later than with the submittal of the site-specific test plan (if requested by the Administrator) or at least 60 days before the performance test is scheduled to begin if a site-specific test plan is not submitted;

(ii) Uses Method 301 in Appendix A of 40 CFR 63 to validate the alternative test method; and

(iii) Submits the results of the Method 301 validation process along with the notification of intention and the justification for not using the specified test method. The owner or operator may submit the information required in this paragraph well in advance of the deadline specified in paragraph (f)(2)(i) of this section to ensure a timely review by the Administrator in order to meet the performance test date specified in this section or the relevant standard.

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(3) The Administrator will determine whether the owner or operator's validation of the proposed alternative test method is adequate when the Administrator approves or disapproves the site-specific test plan required under paragraph (c) of this section. If the Administrator finds reasonable grounds to dispute the results obtained by the Method 301 validation process, the Administrator may require the use of a test method specified in a relevant standard.

(4) If the Administrator finds reasonable grounds to dispute the results obtained by an alternative test method for the purposes of demonstrating compliance with a relevant standard, the Administrator may require the use of a test method specified in a relevant standard.

(5) If the owner or operator uses an alternative test method for an affected source during a required performance test, the owner or operator of such source shall continue to use the alternative test method for subsequent performance tests at that affected source until he or she receives approval from the Administrator to use another test method as allowed under 40 CFR 63.7(f).

(6) Neither the validation and approval process nor the failure to validate an alternative test method shall abrogate the owner or operator's responsibility to comply with the requirements of 40 CFR 63.

**[40 CFR 63.7(f)]**

**(g) Data analysis, recordkeeping, and reporting.**

(1) Unless otherwise specified in a relevant standard or test method, or as otherwise approved by the Administrator in writing, results of a performance test shall include the analysis of samples, determination of emissions, and raw data. A performance test is "completed" when field sample collection is terminated. The owner or operator of an affected source shall report the results of the performance test to the Administrator before the close of business on the 60th day following the completion of the performance test, unless specified otherwise in a relevant standard or as approved otherwise in writing by the Administrator [see 40 CFR 63.9(i)]. The results of the performance test shall be submitted as part of the notification of compliance status required under 40 CFR 63.9(h). Before a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall send the results of the performance test to the Administrator. After a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall send the results of the performance test to the appropriate permitting authority.

(2) (Reserved).

(3) For a minimum of five years after a performance test is conducted, the owner or operator shall retain and make available, upon request, for inspection by the Administrator the records or results of such performance test and other data needed to determine emissions from an affected source.

**[40 CFR 63.7(g)]**

**(h) Waiver of performance tests.**

(1) Until a waiver of a performance testing requirement has been granted by the Administrator under this paragraph, the owner or operator of an affected source remains subject to the requirements of this section.

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(2) Individual performance tests may be waived upon written application to the Administrator if, in the Administrator's judgment, the source is meeting the relevant standard(s) on a continuous basis, or the source is being operated under an extension of compliance, or the owner or operator has requested an extension of compliance and the Administrator is still considering that request.

(3) Request to waive a performance test.

(i) If a request is made for an extension of compliance under 40 CFR 63.6(i), the application for a waiver of an initial performance test shall accompany the information required for the request for an extension of compliance. If no extension of compliance is requested or if the owner or operator has requested an extension of compliance and the Administrator is still considering that request, the application for a waiver of an initial performance test shall be submitted at least 60 days before the performance test if the site-specific test plan under paragraph (c) of this section is not submitted.

(ii) If an application for a waiver of a subsequent performance test is made, the application may accompany any required compliance progress report, compliance status report, or excess emissions and continuous monitoring system performance report [such as those required under 40 CFR 63.6(i), 40 CFR 63.9(h), and 40 CFR 63.10(e) or specified in a relevant standard or in the source's title V permit], but it shall be submitted at least 60 days before the performance test if the site-specific test plan required under paragraph (c) of this section is not submitted.

(iii) Any application for a waiver of a performance test shall include information justifying the owner or operator's request for a waiver, such as the technical or economic infeasibility, or the impracticality, of the affected source performing the required test.

(4) Approval of request to waive performance test. The Administrator will approve or deny a request for a waiver of a performance test made under paragraph (h)(3) of this section when he/she --

(i) Approves or denies an extension of compliance under 40 CFR 63.6(i)(8); or

(ii) Approves or disapproves a site-specific test plan under 40 CFR 63.7(c)(3); or

(iii) Makes a determination of compliance following the submission of a required compliance status report or excess emissions and continuous monitoring systems performance report; or

(iv) Makes a determination of suitable progress towards compliance following the submission of a compliance progress report, whichever is applicable.

(5) Approval of any waiver granted under this section shall not abrogate the Administrator's authority under the Act or in any way prohibit the Administrator from later canceling the waiver. The cancellation will be made only after notice is given to the owner or operator of the affected source.

**[40 CFR 63.7(h)]**

**Monitoring requirements**

(a) **Applicability.**

(1)(i) Unless otherwise specified in a relevant standard, this section applies to the owner or operator of an affected source required to do monitoring under that standard.

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(ii) Relevant standards established under 40 CFR 63 will specify monitoring systems, methods, or procedures, monitoring frequency, and other pertinent requirements for source(s) regulated by those standards. This section specifies general monitoring requirements such as those governing the conduct of monitoring and requests to use alternative monitoring methods. In addition, this section specifies detailed requirements that apply to affected sources required to use continuous monitoring systems (CMS) under a relevant standard.

**[40 CFR 63.8(a)]**

**(b) Conduct of monitoring.**

(1) Monitoring shall be conducted as set forth in this section and the relevant standard(s) unless the Administrator

(i) Specifies or approves the use of minor changes in methodology for the specified monitoring requirements and procedures; or

(ii) Approves the use of alternatives to any monitoring requirements or procedures.

(iii) Owners or operators with flares subject to 40 CFR 63.11(b) are not subject to the requirements of this section unless otherwise specified in the relevant standard.

(2)(i) When the effluents from a single affected source, or from two or more affected sources, are combined before being released to the atmosphere, the owner or operator shall install an applicable CMS on each effluent.

(ii) If the relevant standard is a mass emission standard and the effluent from one affected source is released to the atmosphere through more than one point, the owner or operator shall install an applicable CMS at each emission point unless the installation of fewer systems is --

(A) Approved by the Administrator; or

(B) Provided for in a relevant standard (e.g., instead of requiring that a CMS be installed at each emission point before the effluents from those points are channeled to a common control device, the standard specifies that only one CMS is required to be installed at the vent of the control device).

(3) When more than one CMS is used to measure the emissions from one affected source (e.g., multiple breechings, multiple outlets), the owner or operator shall report the results as required for each CMS. However, when one CMS is used as a backup to another CMS, the owner or operator shall report the results from the CMS used to meet the monitoring requirements of 40 CFR 63. If both such CMS are used during a particular reporting period to meet the monitoring requirements of 40 CFR 63, then the owner or operator shall report the results from each CMS for the relevant compliance period.

**[40 CFR 63.8(b)]**

**(c) Operation and maintenance of continuous monitoring systems.**

(1) The owner or operator of an affected source shall maintain and operate each CMS as specified in this section, or in a relevant standard, and in a manner consistent with good air pollution control practices.

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<b>Location:</b>	Soda Springs, ID		<b>Date Modified/Amended:</b>	April 28, 2006
			<b>Date Expires:</b>	October 28, 2006

(i) The owner or operator of an affected source shall ensure the immediate repair or replacement of CMS parts to correct "routine" or otherwise predictable CMS malfunctions as defined in the source's startup, shutdown, and malfunction plan required by 40 CFR 63.6(e)(3). The owner or operator shall keep the necessary parts for routine repairs of the affected equipment readily available. If the plan is followed and the CMS repaired immediately, this action shall be reported in the semiannual startup, shutdown, and malfunction report required under 40 CFR 63.10(d)(5)(i).

(ii) For those malfunctions or other events that affect the CMS and are not addressed by the startup, shutdown, and malfunction plan, the owner or operator shall report actions that are not consistent with the startup, shutdown, and malfunction plan within 24 hours after commencing actions inconsistent with the plan. The owner or operator shall send a follow-up report within two weeks after commencing actions inconsistent with the plan that either certifies that corrections have been made or includes a corrective action plan and schedule. The owner or operator shall provide proof that repair parts have been ordered or any other records that would indicate that the delay in making repairs is beyond his or her control.

(iii) The Administrator's determination of whether acceptable operation and maintenance procedures are being used will be based on information that may include, but is not limited to, review of operation and maintenance procedures, operation and maintenance records, manufacturing recommendations and specifications, and inspection of the CMS. Operation and maintenance procedures written by the CMS manufacturer and other guidance also can be used to maintain and operate each CMS.

(1) All CMS shall be installed such that representative measurements of emissions or process parameters from the affected source are obtained. In addition, CEMS shall be located according to procedures contained in the applicable performance specification(s).

(2) All CMS shall be installed, operational, and the data verified as specified in the relevant standard either prior to or in conjunction with conducting performance tests under 40 CFR 63.7. Verification of operational status shall, at a minimum, include completion of the manufacturer's written specifications or recommendations for installation, operation, and calibration of the system.

(4) Except for system breakdowns, out-of-control periods, repairs, maintenance periods, calibration checks, and zero (low-level) and high-level calibration drift adjustments, all CMS, including COMS and CEMS, shall be in continuous operation and shall meet minimum frequency of operation requirements as follows:

(i) All COMS shall complete a minimum of one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for each successive six-minute period.

ii) All CEMS for measuring emissions other than opacity shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.

**[40 CFR 63.8(c)]**

**(d) Quality control program.**

(1) The results of the quality control program required in this paragraph will be considered by the Administrator when he/she determines the validity of monitoring data.

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(2) The owner or operator of an affected source that is required to use a CMS and is subject to the monitoring requirements of this section and a relevant standard shall develop and implement a CMS quality control program. As part of the quality control program, the owner or operator shall develop and submit to the Administrator for approval upon request a site-specific performance evaluation test plan for the CMS performance evaluation required in paragraph (e)(3)(i) of this section, according to the procedures specified in paragraph (e). In addition, each quality control program shall include, at a minimum, a written protocol that describes procedures for each of the following operations:

- (i) Initial and any subsequent calibration of the CMS;
- (ii) Determination and adjustment of the calibration drift of the CMS;
- (iii) Preventive maintenance of the CMS, including spare parts inventory;
- (iv) Data recording, calculations, and reporting;
- (v) Accuracy audit procedures, including sampling and analysis methods; and
- (vi) Program of corrective action for a malfunctioning CMS.

(3) The owner or operator shall keep these written procedures on record for the life of the affected source or until the affected source is no longer subject to the provisions of 40 CFR 63, to be made available for inspection, upon request, by the Administrator. If the performance evaluation plan is revised, the owner or operator shall keep previous (i.e., superseded) versions of the performance evaluation plan on record to be made available for inspection, upon request, by the Administrator, for a period of five years after each revision to the plan. Where relevant, e.g., program of corrective action for a malfunctioning CMS, these written procedures may be incorporated as part of the affected source's startup, shutdown, and malfunction plan to avoid duplication of planning and recordkeeping efforts.

[40 CFR 63.8(d)]

(e) Not applicable.

(f) **Use of an alternative monitoring method –**

(1) General.

Until permission to use an alternative monitoring method has been granted by the Administrator under this paragraph, the owner or operator of an affected source remains subject to the requirements of this section and the relevant standard.

(2) After receipt and consideration of written application, the Administrator may approve alternatives to any monitoring methods or procedures of 40 CFR 63 including, but not limited to, the following:

- (i) Alternative monitoring requirements when installation of a CMS specified by a relevant standard would not provide accurate measurements due to liquid water or other interferences caused by substances within the effluent gases;
- (ii) Alternative monitoring requirements when the affected source is infrequently operated;
- (iii) Alternative monitoring requirements to accommodate CEMS that require additional measurements to correct for stack moisture conditions;
- (iv) Alternative locations for installing CMS when the owner or operator can demonstrate that installation at alternate locations will enable accurate and representative measurements;

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(v) Alternate methods for converting pollutant concentration measurements to units of the relevant standard;

(vi) Alternate procedures for performing daily checks of zero (low-level) and high-level drift that do not involve use of high-level gases or test cells;

(vii) Alternatives to the American Society for Testing and Materials (ASTM) test methods or sampling procedures specified by any relevant standard;

(viii) Alternative CMS that do not meet the design or performance requirements in 40 CFR 63, but adequately demonstrate a definite and consistent relationship between their measurements and the measurements of opacity by a system complying with the requirements as specified in the relevant standard. The Administrator may require that such demonstration be performed for each affected source; or

(ix) Alternative monitoring requirements when the effluent from a single affected source or the combined effluent from two or more affected sources is released to the atmosphere through more than one point.

(3) If the Administrator finds reasonable grounds to dispute the results obtained by an alternative monitoring method, requirement, or procedure, the Administrator may require the use of a method, requirement, or procedure specified in this section or in the relevant standard. If the results of the specified and alternative method, requirement, or procedure do not agree, the results obtained by the specified method, requirement, or procedure shall prevail.

(4)(i) Request to use alternative monitoring method. An owner or operator who wishes to use an alternative monitoring method shall submit an application to the Administrator as described in paragraph (f)(4)(ii) of this section, below. The application may be submitted at any time provided that the monitoring method is not used to demonstrate compliance with a relevant standard or other requirement. If the alternative monitoring method is to be used to demonstrate compliance with a relevant standard, the application shall be submitted not later than with the site-specific test plan required in 40 CFR 63.7(c) (if requested) or with the site-specific performance evaluation plan (if requested) or at least 60 days before the performance evaluation is scheduled to begin.

(ii) The application shall contain a description of the proposed alternative monitoring system and a performance evaluation test plan, if required, as specified in paragraph (e)(3) of this section. In addition, the application shall include information justifying the owner or operator's request for an alternative monitoring method, such as the technical or economic infeasibility, or the impracticality, of the affected source using the required method.

(iii) The owner or operator may submit the information required in this paragraph well in advance of the submittal dates specified in paragraph (f)(4)(i) above to ensure a timely review by the Administrator in order to meet the compliance demonstration date specified in this section or the relevant standard.

(5) Approval of request to use alternative monitoring method.

(i) The Administrator will notify the owner or operator of approval or intention to deny approval of the request to use an alternative monitoring method within 30 calendar days after receipt of the original request and within 30 calendar days after receipt of any supplementary information that is

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submitted. Before disapproving any request to use an alternative monitoring method, the Administrator will notify the applicant of the Administrator's intention to disapprove the request together with --

(A) Notice of the information and findings on which the intended disapproval is based; and

(B) Notice of opportunity for the owner or operator to present additional information to the Administrator before final action on the request. At the time the Administrator notifies the applicant of his or her intention to disapprove the request, the Administrator will specify how much time the owner or operator will have after being notified of the intended disapproval to submit the additional information.

(ii) The Administrator may establish general procedures and criteria in a relevant standard to accomplish the requirements of paragraph (f)(5)(i) of this section.

(iii) If the Administrator approves the use of an alternative monitoring method for an affected source under paragraph (f)(5)(i) of this section, the owner or operator of such source shall continue to use the alternative monitoring method until he or she receives approval from the Administrator to use another monitoring method as allowed by 40 CFR 63.8(f).

**[40 CFR 63.8(f)]**

**(g) Reduction of monitoring data.**

(1) The owner or operator of each CMS shall reduce the monitoring data as specified in this paragraph. In addition, each relevant standard may contain additional requirements for reducing monitoring data. When additional requirements are specified in a relevant standard, the standard will identify any unnecessary or duplicated requirements in this paragraph that the owner or operator need not comply with.

(2) Not applicable.

(3) The data may be recorded in reduced or nonreduced form (e.g., ppm pollutant and percent O<sub>2</sub> or ng/J of pollutant).

(4) All emission data shall be converted into units of the relevant standard for reporting purposes using the conversion procedures specified in that standard. After conversion into units of the relevant standard, the data may be rounded to the same number of significant digits as used in that standard to specify the emission limit (e.g., rounded to the nearest 1% opacity).

(5) Monitoring data recorded during periods of unavoidable CMS breakdowns, out-of-control periods, repairs, maintenance periods, calibration checks, and zero (low-level) and high-level adjustments shall not be included in any data average computed under 40 CFR 63. For owners or operators complying with the requirements of 40 CFR 63.10(b)(2)(vii)(A) or (B), data averages must include any data recorded during periods of monitor breakdown or malfunction.

**[40 CFR 63.8(g)]**

### **Notification Requirements**

(a) Applicability and general information.

(1) The requirements in this section apply to owners and operators of affected sources that are subject to the provisions of 40 CFR 63 unless specified otherwise in a relevant standard.

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(2) For affected sources that have been granted an extension of compliance under Subpart D of 40 CFR 63, the requirements of this section do not apply to those sources while they are operating under such compliance extensions.

(3) If any State requires a notice that contains all the information required in a notification listed in this section, the owner or operator may send the Administrator a copy of the notice sent to the State to satisfy the requirements of this section for that notification.

(4)(i) Before a State has been delegated the authority to implement and enforce notification requirements established under 40 CFR 63, the owner or operator of an affected source in such State subject to such requirements shall submit notifications to the appropriate Regional Office of the EPA (to the attention of the Director of the Division indicated in the list of the EPA Regional Offices in 40 CFR 63.13).

(ii) After a State has been delegated the authority to implement and enforce notification requirements established under 40 CFR 63, the owner or operator of an affected source in such State subject to such requirements shall submit notifications to the delegated State authority (which may be the same as the permitting authority). In addition, if the delegated (permitting) authority is the State, the owner or operator shall send a copy of each notification submitted to the State to the appropriate Regional Office of the EPA, as specified in paragraph (a)(4)(i) of this section. The Regional Office may waive this requirement for any notifications at its discretion.

[40 CFR 63.9(a)]

**(b) Initial notifications.**

(1)(i) The requirements of this paragraph apply to the owner or operator of an affected source when such source becomes subject to a relevant standard.

(ii) If an area source that otherwise would be subject to an emission standard or other requirement established under 40 CFR 63 if it were a major source subsequently increases its emissions of hazardous air pollutants (or its potential to emit hazardous air pollutants) such that the source is a major source that is subject to the emission standard or other requirement, such source shall be subject to the notification requirements of this section.

(iii) Affected sources that are required under this paragraph to submit an initial notification may use the application for approval of construction or reconstruction under 40 CFR 63.5(d), if relevant, to fulfill the initial notification requirements of this paragraph.

(2) The owner or operator of an affected source that has an initial startup before the effective date of a relevant standard under 40 CFR 63 shall notify the Administrator in writing that the source is subject to the relevant standard. The notification, which shall be submitted not later than 120 calendar days after the effective date of the relevant standard (or within 120 calendar days after the source becomes subject to the relevant standard), shall provide the following information:

(i) The name and address of the owner or operator;

(ii) The address (i.e., physical location) of the affected source;

(iii) An identification of the relevant standard, or other requirement, that is the basis of the notification and the source's compliance date;

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(iv) A brief description of the nature, size, design, and method of operation of the source, including its operating design capacity and an identification of each point of emission for each hazardous air pollutant, or if a definitive identification is not yet possible, a preliminary identification of each point of emission for each hazardous air pollutant; and

(v) A statement of whether the affected source is a major source or an area source.

(3) The owner or operator of a new or reconstructed affected source, or a source that has been reconstructed such that it is an affected source, that has an initial startup after the effective date of a relevant standard under 40 CFR 63 and for which an application for approval of construction or reconstruction is not required under 40 CFR 63.5(d), shall notify the Administrator in writing that the source is subject to the relevant standard no later than 120 days after initial startup. The notification shall provide all the information required in paragraphs (b)(2)(i) through (b)(2)(v) of this section, delivered or postmarked with the notification required in paragraph (b)(5).

(4) The owner or operator of a new or reconstructed major affected source that has an initial startup after the effective date of a relevant standard under 40 CFR 63 and for which an application for approval of construction or reconstruction is required under 40 CFR 63.5(d) shall provide the following information in writing to the Administrator:

(i) A notification of intention to construct a new major affected source, reconstruct a major affected source, or reconstruct a major source such that the source becomes a major affected source with the application for approval of construction or reconstruction as specified in 40 CFR 63.5(d)(1)(i);

(ii) A notification of the date when construction or reconstruction was commenced, submitted simultaneously with the application for approval of construction or reconstruction, if construction or reconstruction was commenced before the effective date of the relevant standard;

(iii) A notification of the date when construction or reconstruction was commenced, delivered or postmarked not later than 30 days after such date, if construction or reconstruction was commenced after the effective date of the relevant standard;

(iv) (Reserved).

(v) A notification of the actual date of startup of the source, delivered or postmarked within 15 calendar days after that date.

(5) After the effective date of any relevant standard established by the Administrator under 40 CFR 63, whether or not an approved permit program is effective in the State in which an affected source is (or would be) located, an owner or operator who intends to construct a new affected source or reconstruct an affected source subject to such standard, or reconstruct a source such that it becomes an affected source subject to such standard, shall notify the Administrator, in writing, of the intended construction or reconstruction. The notification shall be submitted as soon as practicable before the construction or reconstruction is planned to commence (but no sooner than the effective date of the relevant standard) if the construction or reconstruction commences after the effective date of a relevant standard promulgated in 40 CFR 63.

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The notification shall be submitted as soon as practicable before startup but no later than 60 days after the effective date of a relevant standard promulgated in 40 CFR 63 if the construction or reconstruction had commenced and initial startup had not occurred before the standard's effective date. The notification shall include all the information required for an application for approval of construction or reconstruction as specified in 40 CFR 63.5(d). For major sources, the application for approval of construction or reconstruction may be used to fulfill the requirements of this paragraph.

[40 CFR 63.9(b)]

**(c) Request for extension of compliance.**

If the owner or operator of an affected source cannot comply with a relevant standard by the applicable compliance date for that source, or if the owner or operator has installed BACT or technology to meet LAER consistent with 40 CFR 63.6(i)(5), he/she may submit to the Administrator (or the State with an approved permit program) a request for an extension of compliance as specified in 40 CFR 63.6(i)(4) through 40 CFR 63.6(i)(6).

[40 CFR 63.9(c)]

**(d) Notification that source is subject to special compliance requirements.**

An owner or operator of a new source that is subject to special compliance requirements as specified in 40 CFR 63.6(b)(3) and 40 CFR 63.6(b)(4) shall notify the Administrator of his/her compliance obligations not later than the notification dates established in paragraph (b) of this section for new sources that are not subject to the special provisions.[40 CFR 63.9(d)]

**(e) Notification of performance test.**

The owner or operator of an affected source shall notify the Administrator in writing of his or her intention to conduct a performance test at least 60 calendar days before the performance test is scheduled to begin to allow the Administrator to review and approve the site-specific test plan required under 40 CFR 63.7(c), if requested by the Administrator, and to have an observer present during the test.

[40 CFR 63.9(e)]

(f) Not applicable.

(g) Not applicable

**(h) Notification of compliance status.**

(1) The requirements of paragraphs (h)(2) through (h)(4) of this section apply when an affected source becomes subject to a relevant standard.

(2) Only applicable prior to issuance of a Title V permit.

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(3) After a title V permit has been issued to the owner or operator of an affected source, the owner or operator of such source shall comply with all requirements for compliance status reports contained in the source's title V permit, including reports required under 40 CFR 63. After a title V permit has been issued to the owner or operator of an affected source, and each time a notification of compliance status is required under 40 CFR 63, the owner or operator of such source shall submit the notification of compliance status to the appropriate permitting authority following completion of the relevant compliance demonstration activity specified in the relevant standard.

(4) (Reserved).

(5) If an owner or operator of an affected source submits estimates or preliminary information in the application for approval of construction or reconstruction required in 40 CFR 63.5(d) in place of the actual emissions data or control efficiencies required in paragraphs (d)(1)(ii)(H) and (d)(2) of 40 CFR 63.5, the owner or operator shall submit the actual emissions data and other correct information as soon as available but no later than with the initial notification of compliance status required in this section.

(6) Advice on a notification of compliance status may be obtained from the Administrator.

[40 CFR 63.9(h)]

**(i) Adjustment to time periods or postmark deadlines for submittal and review of required communications.**

(1)(i) Until an adjustment of a time period or postmark deadline has been approved by the Administrator under paragraphs (i)(2) and (i)(3) of this section, the owner or operator of an affected source remains strictly subject to the requirements of 40 CFR 63.

(ii) An owner or operator shall request the adjustment provided for in paragraphs (i)(2) and (i)(3) of this section each time he or she wishes to change an applicable time period or postmark deadline specified in 40 CFR 63.

(2) Notwithstanding time periods or postmark deadlines specified in 40 CFR 63 for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. An owner or operator who wishes to request a change in a time period or postmark deadline for a particular requirement shall request the adjustment in writing as soon as practicable before the subject activity is required to take place. The owner or operator shall include in the request whatever information he or she considers useful to convince the Administrator that an adjustment is warranted.

(3) If, in the Administrator's judgment, an owner or operator's request for an adjustment to a particular time period or postmark deadline is warranted, the Administrator will approve the adjustment. The Administrator will notify the owner or operator in writing of approval or disapproval of the request for an adjustment within 15 calendar days of receiving sufficient information to evaluate the request.

(4) If the Administrator is unable to meet a specified deadline, he or she will notify the owner or operator of any significant delay and inform the owner or operator of the amended schedule.

[40 CFR 63.9(i)]

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**(j) Change in information already provided.**

Any change in the information already provided under this section shall be provided to the Administrator in writing within 15 calendar days after the change.

[40 CFR 63.9(j)]

## **Recordkeeping and Reporting Requirements**

**(a) Applicability and general information.**

(1) The requirements of this section apply to owners or operators of affected sources who are subject to the provisions of 40 CFR 63, unless specified otherwise in a relevant standard.

(2) For affected sources that have been granted an extension of compliance under Subpart D of 40 CFR 63, the requirements of this section do not apply to those sources while they are operating under such compliance extensions.

(3) If any State requires a report that contains all the information required in a report listed in this section, an owner or operator may send the Administrator a copy of the report sent to the State to satisfy the requirements of this section for that report.

(4)(i) Before a State has been delegated the authority to implement and enforce recordkeeping and reporting requirements established under 40 CFR 63, the owner or operator of an affected source in such State subject to such requirements shall submit reports to the appropriate Regional Office of the EPA (to the attention of the Director of the Division indicated in the list of the EPA Regional Offices in 40 CFR 63.13).

(ii) After a State has been delegated the authority to implement and enforce recordkeeping and reporting requirements established under 40 CFR 63, the owner or operator of an affected source in such State subject to such requirements shall submit reports to the delegated State authority (which may be the same as the permitting authority). In addition, if the delegated (permitting) authority is the State, the owner or operator shall send a copy of each report submitted to the State to the appropriate Regional Office of the EPA, as specified in paragraph (a)(4)(i) of this section. The Regional Office may waive this requirement for any reports at its discretion.

(5) If an owner or operator of an affected source in a State with delegated authority is required to submit periodic reports under 40 CFR 63 to the State, and if the State has an established timeline for the submission of periodic reports that is consistent with the reporting frequency(ies) specified for such source under 40 CFR 63, the owner or operator may change the dates by which periodic reports under 40 CFR 63 shall be submitted (without changing the frequency of reporting) to be consistent with the State's schedule by mutual agreement between the owner or operator and the State. For each relevant standard established pursuant to section 112 of the Act, the allowance in the previous sentence applies in each State beginning one year after the affected source's compliance date for that standard. Procedures governing the implementation of this provision are specified in 40 CFR 63.9(i).

(6) If an owner or operator supervises one or more stationary sources affected by more than one standard established pursuant to section 112 of the Act, he/she may arrange by mutual agreement between the owner or operator and the Administrator (or the State permitting authority) a common schedule on which periodic reports required for each source shall be submitted throughout the year.

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The allowance in the previous sentence applies in each State beginning 1 year after the latest compliance date for any relevant standard established pursuant to section 112 of the Act for any such affected source(s). Procedures governing the implementation of this provision are specified in 40 CFR 63.9(i).

(7) If an owner or operator supervises one or more stationary sources affected by standards established pursuant to section 112 of the Act (as amended November 15, 1990) and standards set under Part 60, Part 61, or both such parts of this chapter, he/she may arrange by mutual agreement between the owner or operator and the Administrator (or the State permitting authority) a common schedule on which periodic reports required by each relevant (i.e., applicable) standard shall be submitted throughout the year. The allowance in the previous sentence applies in each State beginning one year after the stationary source is required to be in compliance with the relevant section 112 standard, or one year after the stationary source is required to be in compliance with the applicable Part 60 or Part 61 standard, whichever is latest. Procedures governing the implementation of this provision are specified in 40 CFR 63.9(i).

[40 CFR 63.10(a)]

**(b) General recordkeeping requirements.**

(1) The owner or operator of an affected source subject to the provisions of 40 CFR 63 shall maintain files of all information (including all reports and notifications) required by 40 CFR 63 recorded in a form suitable and readily available for expeditious inspection and review. The files shall be retained for at least five years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent TWO years of data shall be retained onsite. The remaining three years of data may be retained off site. Such files may be maintained on microfilm, on a computer, on computer floppy disks, on magnetic tape disks, or on microfiche.

(2) The owner or operator of an affected source subject to the provisions of 40 CFR 63 shall maintain relevant records for such source of --

(i) The occurrence and duration of each startup, shutdown, or malfunction of operation (i.e., process equipment);

(ii) The occurrence and duration of each malfunction of the air pollution control equipment;

(iii) All maintenance performed on the air pollution control equipment;

(iv) Actions taken during periods of startup, shutdown, and malfunction (including corrective actions to restore malfunctioning process and air pollution control equipment to its normal or usual manner of operation) when such actions are different from the procedures specified in the affected source's startup, shutdown, and malfunction plan [see 40 CFR 63.6(e)(3)];

(v) All information necessary to demonstrate conformance with the affected source's startup, shutdown, and malfunction plan [see 40 CFR 63.6(e)(3)] when all actions taken during periods of startup, shutdown, and malfunction (including corrective actions to restore malfunctioning process and air pollution control equipment to its normal or usual manner of operation) are consistent with the procedures specified in such plan. (The information needed to demonstrate conformance with the startup, shutdown, and malfunction plan may be recorded using a "checklist," or some other effective form of recordkeeping, in order to minimize the recordkeeping burden for conforming events);

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(vi) Each period during which a CMS is malfunctioning or inoperative (including out-of-control periods);

(vii) All required measurements needed to demonstrate compliance with a relevant standard (including, but not limited to, 15-minute averages of CMS data, raw performance testing measurements, and raw performance evaluation measurements, that support data that the source is required to report);

(A) This paragraph applies to owners or operators required to install a continuous emissions monitoring system (CEMS) where the CEMS installed is automated, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. An automated CEMS records and reduces the measured data to the form of the pollutant emission standard through the use of a computerized data acquisition system. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (b)(2)(vii) of this section, the owner or operator shall retain the most recent consecutive three averaging periods of subhourly measurements and a file that contains a hard copy of the data acquisition system algorithm used to reduce the measured data into the reportable form of the standard.

(B) This paragraph applies to owners or operators required to install a CEMS where the measured data is manually reduced to obtain the reportable form of the standard, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (b)(2)(vii) of this section, the owner or operator shall retain all subhourly measurements for the most recent reporting period. The subhourly measurements shall be retained for 120 days from the date of the most recent summary or excess emission report submitted to the Administrator.

(C) The Administrator or delegated authority, upon notification to the source, may require the owner or operator to maintain all measurements as required by paragraph (b)(2)(vii), if the administrator or the delegated authority determines these records are required to more accurately assess the compliance status of the affected source.

(viii) All results of performance tests, CMS performance evaluations, and opacity and visible emission observations;

(ix) All measurements as may be necessary to determine the conditions of performance tests and performance evaluations;

(x) All CMS calibration checks;

(xi) All adjustments and maintenance performed on CMS;

(xii) Any information demonstrating whether a source is meeting the requirements for a waiver of recordkeeping or reporting requirements under 40 CFR 63, if the source has been granted a waiver under paragraph (f) of this section;

(xiii) All emission levels relative to the criterion for obtaining permission to use an alternative to the relative accuracy test, if the source has been granted such permission under 40 CFR 63.8(f)(6); and

(xiv) All documentation supporting initial notifications and notifications of compliance status under 40 CFR 63.9.

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(3) Recordkeeping requirement for applicability determinations. If an owner or operator determines that his or her stationary source that emits (or has the potential to emit, without considering controls) one or more hazardous air pollutants is not subject to a relevant standard or other requirement established under 40 CFR 63, the owner or operator shall keep a record of the applicability determination onsite at the source for a period of five years after the determination, or until the source changes its operations to become an affected source, whichever comes first. The record of the applicability determination shall include an analysis (or other information) that demonstrates why the owner or operator believes the source is unaffected (e.g., because the source is an area source). The analysis (or other information) shall be sufficiently detailed to allow the Administrator to make a finding about the source's applicability status with regard to the relevant standard or other requirement. If relevant, the analysis shall be performed in accordance with requirements established in subparts of 40 CFR 63 for this purpose for particular categories of stationary sources. If relevant, the analysis should be performed in accordance with EPA guidance materials published to assist sources in making applicability determinations under section 112, if any.

[40 CFR 63.10(b)]

**(c) Additional recordkeeping requirements for sources with continuous monitoring systems**

In addition to complying with the requirements specified in paragraphs (b)(1) and (b)(2) of this section, the owner or operator of an affected source required to install a CMS by a relevant standard shall maintain records for such source of

- (1) All required CMS measurements (including monitoring data recorded during unavoidable CMS breakdowns and out-of-control periods);
- (2) - (4) (Reserved).
- (5) The date and time identifying each period during which the CMS was inoperative except for zero (low-level) and high-level checks;
- (6) Not applicable.
- (7) The specific identification (i.e., the date and time of commencement and completion) of each period of excess emissions and parameter monitoring exceedances, as defined in the relevant standard(s), that occurs during startups, shutdowns, and malfunctions of the affected source;
- (8) The specific identification (i.e., the date and time of commencement and completion) of each time period of excess emissions and parameter monitoring exceedances, as defined in the relevant standard(s), that occurs during periods other than startups, shutdowns, and malfunctions of the affected source;
- (9) (Reserved).
- (10) The nature and cause of any malfunction (if known);
- (11) The corrective action taken or preventive measures adopted;
- (12) The nature of the repairs or adjustments to the CMS that was inoperative or out of control;
- (13) The total process operating time during the reporting period
- (14) Not applicable.

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(15) In order to satisfy the requirements of paragraphs (c)(10) through (c)(12) of this section and to avoid duplicative recordkeeping efforts, the owner or operator may use the affected source's startup, shutdown, and malfunction plan or records kept to satisfy the recordkeeping requirements of the startup, shutdown, and malfunction plan specified in 40 CFR 63.6(e), provided that such plan and records adequately address the requirements of paragraphs (c)(10) through (c)(12).

**[40 CFR 63.10(c)]**

**(d) General reporting requirements.**

(1) Notwithstanding the requirements in this paragraph or paragraph (e) of this section, the owner or operator of an affected source subject to reporting requirements under 40 CFR 63 shall submit reports to the Administrator in accordance with the reporting requirements in the relevant standard(s).

(2) Reporting results of performance tests. Before a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall report the results of any performance test under 40 CFR 63.7 to the Administrator. After a title V permit has been issued to the owner or operator of an affected source, the owner or operator shall report the results of a required performance test to the appropriate permitting authority. The owner or operator of an affected source shall report the results of the performance test to the Administrator (or the State with an approved permit program) before the close of business on the 60th day following the completion of the performance test, unless specified otherwise in a relevant standard or as approved otherwise in writing by the Administrator. The results of the performance test shall be submitted as part of the notification of compliance status required under 40 CFR 63.9(h).

(3) Not applicable.

(4) Progress reports. The owner or operator of an affected source who is required to submit progress reports as a condition of receiving an extension of compliance under 40 CFR 63.6(i) shall submit such reports to the Administrator (or the State with an approved permit program) by the dates specified in the written extension of compliance.

(5)(i) Periodic startup, shutdown, and malfunction reports. If actions taken by an owner or operator during a startup, shutdown, or malfunction of an affected source (including actions taken to correct a malfunction) are consistent with the procedures specified in the source's startup, shutdown, and malfunction plan [see 40 CFR 63.6(e)(3)], the owner or operator shall state such information in a startup, shutdown, and malfunction report. Reports shall only be required if a startup, shutdown, or malfunction occurred during the reporting period. The startup, shutdown, and malfunction report shall consist of a letter, containing the name, title, and signature of the owner or operator or other responsible official who is certifying its accuracy, that shall be submitted to the Administrator semiannually (or on a more frequent basis if specified otherwise in a relevant standard or as established otherwise by the permitting authority in the source's title V permit). The startup, shutdown, and malfunction report shall be delivered or postmarked by the 30th day following the end of each calendar half (or other calendar reporting period, as appropriate). If the owner or operator is required to submit excess emissions and continuous monitoring system performance (or other periodic) reports under 40 CFR 63, the startup, shutdown, and malfunction reports required under this paragraph may be submitted simultaneously with the excess emissions and continuous monitoring system performance (or other) reports. If startup, shutdown, and malfunction reports are submitted with excess emissions and continuous monitoring system performance (or other periodic) reports, and the owner or operator receives approval to reduce the frequency of reporting for the latter under

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paragraph (e) of this section, the frequency of reporting for the startup, shutdown, and malfunction reports also may be reduced if the Administrator does not object to the intended change. The procedures to implement the allowance in the preceding sentence shall be the same as the procedures specified in paragraph (e)(3) of this section.

(ii) Immediate startup, shutdown, and malfunction reports. Notwithstanding the allowance to reduce the frequency of reporting for periodic startup, shutdown, and malfunction reports under paragraph (d)(5)(i) of this section, any time an action taken by an owner or operator during a startup, shutdown, or malfunction (including actions taken to correct a malfunction) is not consistent with the procedures specified in the affected source's startup, shutdown, and malfunction plan, the owner or operator shall report the actions taken for that event within two working days after commencing actions inconsistent with the plan followed by a letter within seven working days after the end of the event. The immediate report required under this paragraph shall consist of a telephone call (or facsimile [FAX] transmission) to the Administrator within two working days after commencing actions inconsistent with the plan, and it shall be followed by a letter, delivered or postmarked within seven working days after the end of the event, that contains the name, title, and signature of the owner or operator or other responsible official who is certifying its accuracy, explaining the circumstances of the event, the reasons for not following the startup, shutdown, and malfunction plan, and whether any excess emissions and/or parameter monitoring exceedances are believed to have occurred. Notwithstanding the requirements of the previous sentence, after the effective date of an approved permit program in the State in which an affected source is located, the owner or operator may make alternative reporting arrangements, in advance, with the permitting authority in that State. Procedures governing the arrangement of alternative reporting requirements under this paragraph are specified in 40 CFR 63.9(i).

[40 CFR 63.10(d)]

(e) (1)(2) Not applicable.

(3) Excess emissions and continuous monitoring system performance report and summary report.

(i) Excess emissions and parameter monitoring exceedances are defined in relevant standards. The owner or operator of an affected source required to install a CMS by a relevant standard shall submit an excess emissions and continuous monitoring system performance report and/or a summary report to the Administrator semiannually, except when

(A) More frequent reporting is specifically required by a relevant standard;

(B) The Administrator determines on a case-by-case basis that more frequent reporting is necessary to accurately assess the compliance status of the source; or

(C) (Reserved).

(ii) Request to reduce frequency of excess emissions and continuous monitoring system performance reports. Notwithstanding the frequency of reporting requirements specified in paragraph (e)(3)(i) of this section, an owner or operator who is required by a relevant standard to submit excess emissions and continuous monitoring system performance (and summary) reports on a quarterly (or more frequent) basis may reduce the frequency of reporting for that standard to semiannual if the following conditions are met:

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(A) For one full year (e.g., four quarterly or 12 monthly reporting periods) the affected source's excess emissions and continuous monitoring system performance reports continually demonstrate that the source is in compliance with the relevant standard;

(B) The owner or operator continues to comply with all recordkeeping and monitoring requirements specified in Subpart A and the relevant standard; and

(C) The Administrator does not object to a reduced frequency of reporting for the affected source, as provided in paragraph (e)(3)(iii) of this section.

(iii) The frequency of reporting of excess emissions and continuous monitoring system performance (and summary) reports required to comply with a relevant standard may be reduced only after the owner or operator notifies the Administrator in writing of his or her intention to make such a change and the Administrator does not object to the intended change. In deciding whether to approve a reduced frequency of reporting, the Administrator may review information concerning the source's entire previous performance history during the five-year recordkeeping period prior to the intended change, including performance test results, monitoring data, and evaluations of an owner or operator's conformance with operation and maintenance requirements. Such information may be used by the Administrator to make a judgment about the source's potential for noncompliance in the future. If the Administrator disapproves the owner or operator's request to reduce the frequency of reporting, the Administrator will notify the owner or operator in writing within 45 days after receiving notice of the owner or operator's intention. The notification from the Administrator to the owner or operator will specify the grounds on which the disapproval is based. In the absence of a notice of disapproval within 45 days, approval is automatically granted.

(iv) As soon as CMS data indicate that the source is not in compliance with any emission limitation or operating parameter specified in the relevant standard, the frequency of reporting shall revert to the frequency specified in the relevant standard, and the owner or operator shall submit an excess emissions and continuous monitoring system performance (and summary) report for the noncomplying emission points at the next appropriate reporting period following the noncomplying event. After demonstrating ongoing compliance with the relevant standard for another full year, the owner or operator may again request approval from the Administrator to reduce the frequency of reporting for that standard, as provided for in paragraphs (e)(3)(ii) and (e)(3)(iii) of this section.

(v) Content and submittal dates for excess emissions and monitoring system performance reports. All excess emissions and monitoring system performance reports and all summary reports, if required, shall be delivered or postmarked by the 30th day following the end of each calendar half or quarter, as appropriate. Written reports of excess emissions or exceedances of process or control system parameters shall include all the information required in paragraphs (c)(5) through (c)(13) of this section, in 40 CFR 63.8(c)(7) and 40 CFR 63.8(c)(8), and in the relevant standard, and they shall contain the name, title, and signature of the responsible official who is certifying the accuracy of the report. When no excess emissions or exceedances of a parameter have occurred, or a CMS has not been inoperative, out of control, repaired, or adjusted, such information shall be stated in the report.

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(vi) Summary report. As required under paragraphs (e)(3)(vii) and (e)(3)(viii) of this section, one summary report shall be submitted for the hazardous air pollutants monitored at each affected source (unless the relevant standard specifies that more than one summary report is required, e.g., one summary report for each hazardous air pollutant monitored). The summary report shall be entitled "Summary Report -- Gaseous and Opacity Excess Emission and Continuous Monitoring System Performance" and shall contain the following information:

- (A) The company name and address of the affected source;
  - (B) An identification of each hazardous air pollutant monitored at the affected source;
  - (C) The beginning and ending dates of the reporting period;
  - (D) A brief description of the process units;
  - (E) The emission and operating parameter limitations specified in the relevant standard(s);
  - (F) The monitoring equipment manufacturer(s) and model number(s);
  - (G) The date of the latest CMS certification or audit;
  - (H) The total operating time of the affected source during the reporting period;
  - (I) An emission data summary (or similar summary if the owner or operator monitors control system parameters), including the total duration of excess emissions during the reporting period (recorded in minutes for opacity and hours for gases), the total duration of excess emissions expressed as a percent of the total source operating time during that reporting period, and a breakdown of the total duration of excess emissions during the reporting period into those that are due to startup/shutdown, control equipment problems, process problems, other known causes, and other unknown causes;
  - (J) A CMS performance summary (or similar summary if the owner or operator monitors control system parameters), including the total CMS downtime during the reporting period (recorded in minutes for opacity and hours for gases), the total duration of CMS downtime expressed as a percent of the total source operating time during that reporting period, and a breakdown of the total CMS downtime during the reporting period into periods that are due to monitoring equipment malfunctions, nonmonitoring equipment malfunctions, quality assurance/quality control calibrations, other known causes, and other unknown causes;
  - (K) A description of any changes in CMS, processes, or controls since the last reporting period;
  - (L) The name, title, and signature of the responsible official who is certifying the accuracy of the report; and
  - (M) The date of the report.
- (vii) If the total duration of excess emissions or process or control system parameter exceedances for the reporting period is less than 1% of the total operating time for the reporting period, and CMS downtime for the reporting period is less than 5% of the total operating time for the reporting period, only the summary report shall be submitted, and the full excess emissions and continuous monitoring system performance report need not be submitted unless required by the Administrator.

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(viii) If the total duration of excess emissions or process or control system parameter exceedances for the reporting period is 1% or greater of the total operating time for the reporting period, or the total CMS downtime for the reporting period is 5% or greater of the total operating time for the reporting period, both the summary report and the excess emissions and continuous monitoring system performance report shall be submitted.

**[40 CFR 63.10(e)]**

**(f) Waiver of recordkeeping or reporting requirements.**

(1) Until a waiver of a recordkeeping or reporting requirement has been granted by the Administrator under this paragraph, the owner or operator of an affected source remains subject to the requirements of this section.

(2) Recordkeeping or reporting requirements may be waived upon written application to the Administrator if, in the Administrator's judgment, the affected source is achieving the relevant standard(s), or the source is operating under an extension of compliance, or the owner or operator has requested an extension of compliance and the Administrator is still considering that request.

(3) If an application for a waiver of recordkeeping or reporting is made, the application shall accompany the request for an extension of compliance under 40 CFR 63.6(i), any required compliance progress report or compliance status report required under 40 CFR 63 [such as under 40 CFR 63.6(i) and 40 CFR 63.9(h)] or in the source's title V permit, or an excess emissions and continuous monitoring system performance report required under paragraph (e) of this section, whichever is applicable. The application shall include whatever information the owner or operator considers useful to convince the Administrator that a waiver of recordkeeping or reporting is warranted.

(4) The Administrator will approve or deny a request for a waiver of recordkeeping or reporting requirements under this paragraph when he/she

(i) Approves or denies an extension of compliance; or

(ii) Makes a determination of compliance following the submission of a required compliance status report or excess emissions and continuous monitoring systems performance report; or

(iii) Makes a determination of suitable progress towards compliance following the submission of a compliance progress report, whichever is applicable.

(5) A waiver of any recordkeeping or reporting requirement granted under this paragraph may be conditioned on other recordkeeping or reporting requirements deemed necessary by the Administrator.

(6) Approval of any waiver granted under this section shall not abrogate the Administrator's authority under the Act or in any way prohibit the Administrator from later canceling the waiver. The cancellation will be made only after notice is given to the owner or operator of the affected source.

**[40 CFR 63.10(f)]**

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### **Addresses of state air pollution control agencies and EPA Regional Offices.**

(a) All requests, reports, applications, submittals, and other communications to the Administrator pursuant to 40 CFR 63 shall be submitted to the appropriate Regional Office of the EPA, EPA Region X (Alaska, Idaho, Oregon, Washington), Director, Office of Air Quality, 1200 Sixth Avenue (OAQ-107), Seattle, WA 98101.

**[40 CFR 63.13(a)]**

(b) All information required to be submitted to the Administrator under 40 CFR 63 also shall be submitted to the appropriate State agency of any State to which authority has been delegated under section 112(l) of the Act. The owner or operator of an affected source may contact the appropriate EPA Regional Office for the mailing addresses for those States whose delegation requests have been approved.

**[40 CFR 63.13(b)]**

(c) If any State requires a submittal that contains all the information required in an application, notification, request, report, statement, or other communication required in 40 CFR 63, an owner or operator may send the appropriate Regional Office of the EPA a copy of that submittal to satisfy the requirements of 40 CFR 63 for that communication.

**[40 CFR 63.13(c)]**

### **Incorporation by Reference**

(a) The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. These materials are incorporated as they exist on the date of the approval, and notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding addresses noted below.

**[40 CFR 63.14(a)]**

(b),(c),(d),(e),(f) Not applicable.

(g) The materials listed below are available for purchase from AOAC International, Customer Services, Suite 400, 2200 Wilson Boulevard, Arlington, Virginia, 22201-3301, Telephone (703)522-3032, Fax (703)522-5468.

(1) AOAC Official Method 978.01 Phosphorus (Total) in Fertilizers, Automated Method, Sixteenth edition, 1995, IBR approved for 40 CFR 63.626(d)(3)(vi).

(2) AOAC Official Method 969.02 Phosphorus (Total) in Fertilizers, Alkalimetric Quinolinium Molybdophosphate Method, Sixteenth edition, 1995, IBR approved for 40 CFR 63.626(d)(3)(vi).

(3) AOAC Official Method 962.02 Phosphorus (Total) in Fertilizers, Gravimetric Quinolinium Molybdophosphate Method, Sixteenth edition, 1995, IBR approved for 40 CFR 63.626(d)(3)(vi).

(4) AOAC Official Method 957.02 Phosphorus (Total) in Fertilizers, Preparation of Sample Solution, Sixteenth edition, 1995, IBR approved for 40 CFR 63.626(d)(3)(vi).

(5) AOAC Official Method 929.01 Sampling of Solid Fertilizers, Sixteenth edition, 1995, IBR approved for 40 CFR 63.626(d)(3)(vi).

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(6) AOAC Official Method 929.02 Preparation of Fertilizer Sample, Sixteenth edition, 1995, IBR approved for 40 CFR 63.626(d)(3)(vi).

(7) AOAC Official Method 958.01 Phosphorus (Total) in Fertilizers, Spectrophotometric Molybdovanadophosphate Method, Sixteenth edition, 1995, IBR approved for 40 CFR 63.626(d)(3)(vi).

**[40 CFR 63.14(g)]**

(h) The materials listed below are available for purchase from The Association of Florida Phosphate Chemists, P.O. Box 1645, Bartow, Florida, 33830, Book of Methods Used and Adopted By The Association of Florida Phosphate Chemists, Seventh Edition 1991, IBR.

(1) Section IX, Methods of Analysis for Phosphate Rock, No. 1 Preparation of Sample, IBR approved for 40 CFR 63.606(c)(3)(ii) and 40 CFR 63.626(c)(3)(ii).

(2) Section IX, Methods of Analysis for Phosphate Rock, No. 3 Phosphorus --  $P_2O_5$  or  $Ca_3(PO_4)_2$ , Method A-Volumetric Method, IBR approved for 40 CFR 63.606(c)(3)(ii) and 40 CFR 63.626(c)(3)(ii).

(3) Section IX, Methods of Analysis for Phosphate Rock, No. 3 Phosphorus-  $P_2O_5$  or  $Ca_3(PO_4)_2$ , Method B -- Gravimetric Quimociac Method, IBR approved for 40 CFR 63.606(c)(3)(ii) and 40 CFR 63.626(c)(3)(ii).

(4) Section IX, Methods of Analysis For Phosphate Rock, No. 3 Phosphorus-  $P_2O_5$  or  $Ca_3(PO_4)_2$ , Method C -- Spectrophotometric Method, IBR approved for 40 CFR 63.606(c)(3)(ii) and 40 CFR 63.626(c)(3)(ii).

(5) Section XI, Methods of Analysis for Phosphoric Acid, Superphosphate, Triple Superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-  $P_2O_5$ , Method A -- Volumetric Method, IBR approved for 40 CFR 63.606(c)(3)(ii), 40 CFR 63.626(c)(3)(ii), and 40 CFR 63.626(d)(3)(v).

(6) Section XI, Methods of Analysis for Phosphoric Acid, Superphosphate, Triple Superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-  $P_2O_5$ , Method B -- Gravimetric Quimociac Method, IBR approved for 40 CFR 63.606(c)(3)(ii), 40 CFR 63.626(c)(3)(ii), and 40 CFR 63.626(d)(3)(v).

(7) Section XI, Methods of Analysis for Phosphoric Acid, Superphosphate, Triple Superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-  $P_2O_5$ , Method C -- Spectrophotometric Method, IBR approved for 40 CFR 63.606(c)(3)(ii), 40 CFR 63.626(c)(3)(ii), and 40 CFR 63.626(d)(3)(v).

**[40 CFR 63.14(h)]**